

**BEFORE THE SECURITIES APPELLATE TRIBUNAL
MUMBAI**

Appeal No. 106 of 2011

Date of decision: 21.7.2011

M/s. Capetown Mercantile Company (P) Ltd.
Chamber No. 6, Big Three Building,
1st Marine Street,
Mumbai- 400 002.

.....Appellant

Versus

Securities and Exchange Board of India
SEBI Bhavan, Plot No. C-4A, G-Block,
Bandra Kurla Complex,
Bandra (East),
Mumbai- 400 051.

..... Respondent

Mr. Biren Saraf, Advocate with Mr. Manish Chhangani, Advocate for the Appellant.

Mr. Shiraz Rustomjee, Advocate with Ms. Daya Gupta and Ms. Harshada Nagare,
Advocates for the Respondent.

CORAM : Justice N.K. Sodhi, Presiding Officer
P.K. Malhotra, Member
S.S.N. Moorthy, Member

Per : Justice N.K. Sodhi, Presiding Officer (Oral)

This appeal is directed against the order dated December 9, 2009 passed by the whole time member of the Securities and Exchange Board of India (for short the Board) confirming the ex parte ad-interim order dated April 23, 2009 in the matter of Pyramid Saimira Theatre Limited. The ex parte order was passed restraining the appellant and others from accessing the capital market pending investigations and that the order has been confirmed by the order now under appeal. We are informed that the investigations have concluded and that the Board is now in the process of analyzing the investigation report.

2. We have heard the learned counsel for the parties for some time and having regard to the role allegedly played by the appellant as disclosed in the impugned order and also taking note of the fact that the appellant has remained out of the securities market for a considerable period of time, we are inclined to stay the operation of the impugned order by

which the ex parte order has been confirmed against the appellant. We order accordingly. It is made clear that the order that we have passed shall be without prejudice to the rights of the respondent Board to proceed further in the matter and shall not be taken as an expression of our opinion on the merits of the case. The rights and contentions of both the sides shall remain open. The appeal stands disposed of accordingly. No costs.

Sd/-
Justice N.K.Sodhi
Presiding Officer

Sd/-
P.K.Malhotra
Member

Sd/-
S.S.N. Moorthy
Member

21.7.2011
pmb

Prepared & Compared By: Pmb