BEFORE THE SECURITIES APPELLATE TRIBUNAL
MUMBAI

Date : 17.06.2020

Misc. Application No. 657 of 2019
And
Appeal No. 594 of 2019

Orissa Industries Limited …Appellant

Versus

Securities and Exchange Board of India …Respondent

Mr. Lalit Kumar Maharana, Advocate for the Appellant.

Ms. Vidhi Singh, Advocate i/b Vidhi Partners for the Respondent.

ORDER:

1. We have heard the learned counsel for the parties through video conference. We find that the scanned copies of the memo of appeal, delay condonation application, etc. are not correct copies of the original appeal filed before the Tribunal. The matter is accordingly adjourned. It would be open to the appellant to file correct copies of the memo of appeal, etc as well as the counsel giving an undertaking that correct copies have been scanned for obtaining a date for admission of the appeal, if it so desires.

2. The present matter was heard through video conference due to Covid-19 pandemic. At this stage it is not possible to sign

a copy of this order nor a certified copy of this order could be issued by the registry. In these circumstances, this order will be digitally signed by the Presiding Officer on behalf of the bench and all concerned parties are directed to act on the digitally signed copy of this order. Parties will act on production of a digitally signed copy sent by fax and/or email.

TARUN AGARWAL

Digitally signed by TARUN AGARWAL
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Date: 2020.06.17 13:08:17 +05'30'

Sd/-
Justice Tarun Agarwala
Presiding Officer

Sd/-
Dr. C.K.G. Nair
Member

Sd/-
Justice M.T. Joshi
Judicial Member

17.06.2020
msb

BEFORE THE SECURITIES APPELLATE TRIBUNAL
MUMBAI

Date of Decision: 10.6.2020

Misc. Application No.142 of 2020
In
Misc. Application No.657 of 2019
And
Appeal No.594 of 2019

Orissa Industries Limited
Lathikata, Sundargarh,
Odisha-770037. ... Applicant/
(Org. Appellant)

Versus

Securities & Exchange Board of India
Camac Street, Elgin, Kolkata,
West Bengal-700017. … Respondent

Mr. Lalit Kumar Maharana, Advocate for the Applicant/(Org. Appellant).

Ms. Nidhi Singh, Advocate i/b. Vidhii Partners for the Respondent.

CORAM: Justice Tarun Agarwala, Presiding Officer
Dr. C.K.G. Nair, Member
Justice M.T. Joshi, Judicial Member

Per : Justice Tarun Agarwala, Presiding Officer (Oral)

1. We have heard Shri Lalit Kumar Maharana, learned Counsel for the Appellant and Ms. Nidhi Singh, learned Counsel for the Respondent. The appeal was dismissed for want of prosecution on 10th February, 2020. It transpires that a restoration application was sent by post on 16th March, 2020. The Appellant has prayed for restoration of the appeal contending that the Authorized Representative of the Company had to go to Delhi to attend another meeting on account of which he could not appear on the date fixed. In this regard, it was also contended that the Authorized Representative had sent an email dated 10th February, 2020 to the Registrar of the Tribunal requesting for an adjournment.

2. On the other hand, the learned counsel for the Respondent has opposed the restoration application contending that due diligence was not observed by the Appellant and, in any case, the application for restoration had been filed beyond 30 days which cannot be entertained unless and until an application for condonation of delay is filed.

3. Having heard the learned counsel for the parties, we find that admittedly an email was sent by the Authorized

Representative of the Appellant to the Registrar of this Tribunal seeking an adjournment. The said email was not placed before the Tribunal and accordingly the appeal was dismissed for want of prosecution.

4. In our opinion, cause shown is sufficient and for the said reasons the order dated 10th February, 2020 dismissing the appeal for want of prosecution is recalled. Misc. Application no.142 of 2020 is allowed.

5. Let the appeal be listed for admission through video conferencing or through physical appearance depending on the prevailing situation at 11.30 a.m. on 17th June, 2020. Parties will take necessary instructions from the Registrar of this Tribunal 48 hours before the date fixed.

6. The present matter was heard through video conference due to Covid-19 pandemic. At this stage it is not possible to sign a copy of this order nor a certified copy of this order could be issued by the registry. In these circumstances, this order will be digitally signed by the Presiding Officer on behalf of the bench and all concerned parties are directed to act on the digitally signed copy of this order. Parties will act

on production of a digitally signed copy sent by fax and/or email.

Justice Tarun Agarwala
Presiding Officer

Dr. C. K. G. Nair
Member

Justice M.T. Joshi
Judicial Member

10.6.2020
RHN