

BEFORE THE SECURITIES APPELLATE TRIBUNAL
MUMBAI

Appeal No. 135 of 2008

Date of decision: 22.07.2009

Dushyant Natwarlal Dalal
Puloma Dushyant Dalal Appellants

Versus

Securities and Exchange Board of India Respondent

Mr. Dushyant Dalal and Mrs. Puloma Dalal, Appellants in person.

Mr. Kumar Desai, Advocate with Ms. Daya Gupta, Advocate for the Respondent.

CORAM : Justice N. K. Sodhi, Presiding Officer
Samar Ray, Member

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

The Securities and Exchange Board of India noticed some irregularities/illegalities in the allotment of shares in different initial public offerings during the years 2003-05 and it started investigations. By an ex-parte order dated April 27, 2006, the two appellants alongwith several other entities had been debarred from accessing the capital market till the investigations were over. The ex-parte order was treated as show cause notice to the delinquents including the appellants herein to which they were required to file their replies. The appellants claim that they filed their detailed replies and by order dated 9.9.2008, the ex-parte order passed against the appellants was confirmed. Feeling aggrieved by that order, the appellants have filed the present appeal. In the meantime, the investigations had concluded against the appellants and they were served with notices under Section 11B of the Securities and Exchange Board of India Act, 1992 for taking action against them. Those proceedings have now concluded. The learned counsel for the Board has placed before us a copy of the order dated July 21, 2009 passed by the whole time member against the appellants debarring them from accessing the capital market for another period of 45 days from the date of

the order. They have been debarred for 45 days having regard to the fact that they had remained out of the market since April 27, 2006. Now that the final order has been passed against the appellants under Section 11B of the Act, the impugned order which was passed pending investigations / enquiry has now merged in the order dated July 21, 2009. We are, therefore, satisfied that the appeal has become infructuous and the same is disposed off accordingly. It will, however, be open to the appellants to challenge the order dated July 21, 2009 in accordance with law. No costs.

Sd/-
Justice N.K.Sodhi
Presiding Officer

Sd/-
Samar Ray
Member

22.07.2009
ptm

Prepared & Compared by
ptm