

BEFORE THE SECURITIES APPELLATE TRIBUNAL
MUMBAI

Appeal No. 183 of 2007

Date of decision : 27.8.2008

Atlanta Ltd.

..... Appellant

Versus

Securities and Exchange Board of India

..... Respondent

Mr. Vinay Chauhan Advocate for the Appellant

Mr. Kumar Desai Advocate with Ms. Pranita Mhatre and Mr. Shrinidhi Suryavanshi
Advocates for the Respondent

Coram : Justice N.K. Sodhi, Presiding Officer
Arun Bhargava, Member
Utpal Bhattacharya, Member

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

This order will dispose of Appeals no. 183 and 185 of 2007 in which common questions of law and fact arise and both of which are directed against the order dated September 27, 2007. As we are of the view that the appeals have become infructuous, it is not necessary to refer to the facts in detail.

2. Atlanta Ltd. is a public limited company whose shares are listed on the Bombay Stock Exchange and National Stock Exchange. In September 2006 this company came out with an initial public offer (IPO) which was preceded and followed by allotment of shares to a select group of people allegedly related to the promoters of the company. The Securities and Exchange Board of India (for short the Board) suspected some irregularities in the IPO as also in the allotments made before and after and ordered investigations into the matter. By an ad-interim exparte order dated February 22, 2007 the Board issued directions, among others, to the appellants directing them not to buy, sell or deal in securities of Atlanta Ltd. till further directions. The company was also

directed not to issue any equity shares or any other instruments convertible into equity shares and was further directed not to alter its capital structure pending investigations. Feeling aggrieved by this exparte order, some of the entities to whom the directions had been issued came up in appeal before this Tribunal which was disposed of on March 12, 2007 with a direction to the appellants therein to file their objections and also a direction to the Board to pass an order after hearing all concerned. In pursuance to our directions the whole-time member by his order dated September 27, 2007 passed the order modifying the earlier directions pending investigations. It is against this order that the two appeals are directed.

3. We have heard the learned counsel for the parties who inform us that the investigations are since over and that the Board is yet to pass a final order. Since the matter is still at the stage of investigations, it will be appropriate that we do not express any view on the merits of the case lest it prejudices the cause of either party. We, therefore, dispose of these appeals with a direction to the Board to pass a final order within the next three weeks, i.e. on or before September 22, 2008 and proceed thereafter in accordance with law. Till such time the final order is passed, the directions issued by the impugned order shall continue to operate. No costs.

Sd/-
Justice N.K. Sodhi
Presiding Officer

Sd/-
Arun Bhargava
Member

Sd/-
Utpal Bhattacharya
Member

27.8.2008
ddg/-