

BEFORE THE SECURITIES APPELLATE TRIBUNAL
MUMBAI

Date: 02.08.2021

Appeal No. 43 of 2021

Mahavir Singh Chauhan ...Appellant

Versus

Securities and Exchange Board of India ...Respondent

Mr. Prakash Shah, Advocate with Ms. Rinku Valanju and Mr. Pratham Masurekar and Mr. Aditya Shah, Advocates i/b R V Legal for the Appellant.

Mr. Sumit Rai, Advocate with Mr. Nishit Dhruva, Mr. Hridhay Khurana, Mr. Chirag Bhavsar, Mr. Yash Garach and Aalisha Shah, Advocates i/b MDP & Partners for the Respondent.

WITH
Misc. application No. 517 of 2021
And
Appeal No. 397 of 2021

Mahavir Singh Chauhan ...Appellant

Versus

Securities and Exchange Board of India ...Respondent

Mr. Prakash Shah, Advocate with Ms. Rinku Valanju and Mr. Pratham Masurekar and Mr. Aditya Shah, Advocates i/b R V Legal for the Appellant.

Mr. Sumit Rai, Advocate with Mr. Nishit Dhruva, Mr. Hridhay Khurana, Mr. Chirag Bhavsar, Mr. Yash Garach and Aalisha Shah, Advocates i/b MDP & Partners for the Respondent.

ORDER:

1. In Appeal No. 379 of 2021 there is a delay of 57 days in the filing of the appeal. We have heard the learned counsel for the parties. We find that the impugned order is dated March 29, 2019 but the appeal was filed on March 30, 2021. The contention of the appellant that there is only a delay of 57 days in as much as they did not receive the original copy of the impugned order but only came to know about the passing of the impugned order after the filing of Appeal No. 43 of 2021 against the order passed by the Whole Time Member. The reply of the respondent indicates that they had dispatched the impugned order on April 09, 2019 but they have no proof of service. In view of the aforesaid, the benefit is given to the appellant. The delay is accordingly condoned. The application is allowed.

2. We direct the registry to list these appeals for admission and for final disposal on September 09, 2021. Rejoinder, if any, may be filed on before the next date.

3. Parties are directed to take instructions from the Registrar 48 hours before the date fixed in order to find out as to whether

the matters would be taken up for hearing through video conference or through physical hearing.

4. The present matters were 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 Private Secretary 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

Justice M. T. Joshi
Judicial Member

02.08.2021
PK