

**(2021) 04 SEBI CK 0155**

**In the Securities Appellate Tribunal Mumbai**

**Case No :** Miscellaneous Application No.159, 160 Of 2021, Appeal No.165 Of 2021

Nizamuddin Khan

APPELLANT

Vs

Securities And Exchange Board Of India

RESPONDENT

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**Date of Decision :** 27-04-2021

**Acts Referred:**

**Citation :** (2021) 04 SEBI CK 0155

**Hon'ble Judges :** Tarun Agarwala, Presiding Officer; M. T. Joshi, J

**Bench :** Division Bench

**Advocate :** Uttam Dubey, Modassir Khan, Nidhi Singh, Hersh Choudhary, Nipa Paka, Riddhi Pawa, Vidhii Partners

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**Judgement**

1. The present appeal has been filed against the order dated October 23, 2017 passed by the Whole Time Member of the Securities and Exchange

Board of India. There is a delay of 1169 days in the filing of the appeal. The ground urged is, that the appellant was never served with the copy of the

impugned order as he was employed in Oman outside India and only came to know when his bank accounts were freezed pursuant to an attachment

notice dated November 26, 2011. It is further contended that when he returned to India in December 2020 the steps were taken to file the appeal in

February 2021.

2. Let a reply be filed by the respondent to the application for condonation of delay as well as to the memo of appeal as everything will turn around on

the question whether the appellant was adequately served or not and whether the appellant is the same person who was director of the Company.

Reply should be filed by the respondent within two weeks from today. Two weeks thereafter to the appellant to file a rejoinder. List for admission and

for final disposal on June 10, 2021.

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 matter would be

taken up for hearing through video conference or through physical hearing.

4. 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 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.