
(2022) 01 SEBI CK 0010

In the Securities Appellate Tribunal Mumbai

Case No : Miscellaneous Application No. 987, 988, 1279, 1437 Of 2021, Appeal No. 729 Of 2021

Sarojani Devi

APPELLANT

Vs

Whole Time Member And Others

RESPONDENT

Date of Decision : 03-01-2022

Acts Referred:

Citation : (2022) 01 SEBI CK 0010

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

Bench : Division Bench

Advocate : Konark Rishi Bhatnagar, Vishal Kanade, Chirag Shah, Akash Jain, Daksha Kasekar, Mansukhlal Hiralal

Judgement

Tarun Agarwala, Presiding Officer

1. The present appeal has been filed against the order dated July 13, 2018 passed by the Whole Time Member (hereinafter referred to as

WTM) of Securities and Exchange Board of India (hereinafter referred to as SEBI) as well as the recovery certificate that was

issued by the Recovery Officer (hereinafter referred to as RO) on February 11, 2021.

2. There is a delay of 496 days in the filing of the appeal. Accordingly, an application for condonation of delay has been filed. The ground urged is that

they were never served with the interim order cum show cause notice dated April 5, 2017 and they came to know of the same when the recovery

certificate was issued by the RO in February 2021.

3. In this regard, we had directed the respondent to file a reply and, in response thereto, the respondent have submitted that the interim order cum

show cause notice was served upon the appellant at the address of Ghansali, Falenda, Tehri Garhwal, Uttarakhand.

4. In response, the appellant has filed an additional affidavit contending that her native place was Falenda, Tehri Garhwal where she is not residing

now in as much as since 2012 the appellant is residing at 25/1, Divya Vihar, Miyanwala, Dehradun, Uttarakhand â?" 248160. Normally, a benefit of

doubt could have been given to the appellant but the additional affidavit sworn by her on December 28, 2021 shows that she is still a resident of

Ghansali, Falenda, Tehri Garhwal, Uttarakhand where the interim order cum show cause notice was duly served. Therefore, we are of the view that

the contention of the appellant that she was never served with the show cause notice cum interim order as she has left the place of residence is

incorrect. The appellant still shows the same address of Ghansali, Falenda, Tehri Garhwal, Uttarakhand as her residential address. Thus, we are

satisfied that there is an inordinate delay in the filing of the appeal. Sufficient cause has not been shown and, therefore, the application for condonation

of delay is rejected as a result of which the appeal is dismissed with no order as to costs.

5. 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.