

BEFORE THE SECURITIES APPELLATE TRIBUNAL
MUMBAI

Date : 27.08.2020

**Misc. Application No. 198 of 2020
(Restoration Application)**

In

**Misc. Application No. 609 of 2019
(Delay Application)**

And

Appeal No. 90 of 2019

Rameshwar Shaw

..... Appellant

Versus

Securities and Exchange Board of India & Anr.

... Respondents

Mr. Pritesh Burad, Advocate with Ms. Sukanya Ambonkar, Advocate
i/b Pritesh Burad Associates for the Appellant.

Mr. Abhiraj Arora, Advocate with Ms. Rashi Dalmia, Advocate i/b
ELP for the Respondent Nos. 1.

None for the Respondent Nos. 2.

ORDER :

1. The appeal of the appellant was dismissed for want of prosecution on March 5, 2020. An application has been filed on July 17, 2020 praying for recall of the order and for restoration of the appeal. The ground urged is that the appellant is in Kolkata and was unable to contact the Advocate either on phone or by e-mail and that

he was unaware of the hearing. Thereafter, on account of Covid-19 pandemic and complete lockdown, he was unable to get the no objection certificate from his previous Advocate. The no objection certificate was given on July 16, 2020 and thereafter the present application has been filed by the new advocate.

2. Having heard the learned counsel for the appellant, we are not satisfied with the grounds urged in as much as even though the appellant may be in Kolkata but nothing has been stated as to why the Advocate of the appellant could not appear on the date fixed. The order sheets of the previous dates of hearing indicate that counsel was appearing and thus was aware of the date fixed in the matter.

3. Even though there is no just cause, however, in the interest of justice, we recall our order dated March 5, 2020 on payment of costs of Rs. 25,000/- which will be paid by the appellant within 10 days from today before the Registrar of this Tribunal either by bank demand draft or through NEFT / bank transfer.

4. List this appeal for admission on September 15, 2020 on which date proof of the deposit shall be intimated by the appellant.

5. Parties will take instructions from the Registrar 48 hrs. before the date fixed in order to find out as to whether the appeal would be heard through video conference or through physical hearing.

6. 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 Presiding Officer 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

Dr. C. K. G. Nair
Member

Justice M. T. Joshi
Judicial Member

27.08.2020
PTM