

BEFORE THE SECURITIES APPELLATE TRIBUNAL  
MUMBAI

**Date of Decision: 17.05.2021**

**Misc. Application No. 578 of 2021**

**In**

**Appeal No. 333 of 2019**

National Stock Exchange of India Limited  
Exchange Plaza, Block G, C-1,  
Bandra Kurla Complex,  
G Block BKC,  
Bandra Kurla Complex,  
Bandra East,  
Mumbai- 400 051

...Applicant

Versus

Securities and Exchange Board of India,  
SEBI Bhavan, Plot No. C-4A, G-Block,  
Bandra-Kurla Complex, Bandra (East),  
Mumbai- 400 051

...Respondent

Mr. Darius Khambata, Senior Counsel with Mr. Somasekhar Sundaresan, Mr. Abishek Venkataraman, Ms. Sonali Mathur Mr. Prabhav Shroff and Mr. Harshit Jaiswal, Advocates i/b AZB & Partners for the Applicant.

Mr. Rafique A Dada, Senior Advocate with Mr. Manish Chhangani, Mr. Anubhav Ghosh and Mr. Ravishekhar Pandey, Advocates i/b The Law Point for SEBI

Mr. Nithyaesh Natraj, Advocate for Intervenor.

CORAM: Justice Tarun Agarwala, Presiding Officer  
Justice M. T. Joshi, Judicial Member

Per: Justice Tarun Agarwala, Presiding Officer (Oral)

1. By the impugned order dated April 30, 2019, the appellant was directed to disgorge an amount of Rs. 624.89 crores along with the interest at the rate of the 12% per annum w.e.f. April 01, 2014 onwards. An interim order dated May 22, 2019 was passed by this Tribunal directing the appellant to deposit a sum of Rs. 624.89 crores with Securities and Exchange Board of India (“SEBI” for convenience) who in turn were directed to keep this amount in an interest bearing account and which was subject to the result of the present appeal. By the said interim order the court had also directed the appellant to continue with the escrow account that was opened in the year 2016 in which all the revenue generated from the Colocation facilities was required to be deposited. This order was continued on account of pendency of investigation being conducted by the respondents.

2. Mr. Dada, the learned senior counsel for the respondent has fairly stated that the investigation has now been completed and a note to this effect is being filed before this Tribunal.

3. Mr. Khambata, the learned senior counsel for the appellant submitted that in this escrow account an amount of more than

Rs. 6000 crores have now been deposited which the appellant is unable to use it for their business investments.

4. Mr. Nithyaesh Natraj, the learned counsel for the intervenor submitted that the interim order should not be modified as there is no tearing hurry in the matter. It was contended that the enforcement agencies have also lodged an enforcement case information report (ECIR) and the matter is under investigation. Be that as it may. We are of the opinion that in the given circumstances the order is required to be modified.

5. Considering the aforesaid fact that the investigation is now over and, in order to balance the equities, we direct the appellant to further transfer a sum of Rs. 420 crores to SEBI who in turn, will keep this amount in the same interest bearing account and which would be subject to the result of the appeal. Further, the escrow account can be closed by the appellant and the balance amount can be utilized by the appellant for their business purposes. The misc. application is accordingly disposed of.

6. We had reserved the judgement on March 05, 2020 and soon thereafter the COVID Pandemic kicked in on account of which the Tribunal could not function for a considerable period

of time and had no access to the files. Even today no physical hearing is possible. Now scanned copies are available. Since a considerable period has elapsed, we direct the matter to be listed for further hearing on June 11, 2021 along with the connected appeals. Registry to issue notice to all the parties in all the connected appeals within a week from today indicating that the matter would be listed for further hearing on June 11, 2021.

7. 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.

Justice Tarun Agarwala  
Presiding Officer

Justice M. T. Joshi  
Judicial Member