



W.P.Nos.9445, 9446 & 9447 of 2010 and
MP.Nos.1, 1 & 1 of 2010 & 1, 1 & 1 of 2012

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 15.12.2022

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.Nos.9445, 9446 & 9447 of 2010 and
MP.Nos.1, 1 & 1 of 2010 & 1, 1 & 1 of 2012

Vijayalal Kothari	... Petitioner in WP.9445 of 2010
Chandra Prakash	... Petitioner in WP.9446 of 2010
Sripal Kothari	... Petitioner in WP.9447 of 2010

Vs

1.The National Stock Exchange of India Ltd.,
Exchange Plaza,
Plot No.C/1, G Block, Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051
With Branch Office at
2nd Floor, Ispahani Centre,
Door No.123 – 124,
Nungambakkam High Road,
Nungambakkam, Chennai-600 034.

2.The Defaulter's Committee,
The National Stock Exchange of India Ltd.,
Exchange Plaza,
Plot No.C/1, G Block, Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051.



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3. M/s. Kass Securities Private Limited,
80/A, 1st Floor, Bazulla /Road,
T.Nagar, Chennai – 600 017
Rep. by its Authorized Signatory,
Smt.Rukmini Sukumar

4. The National Exchange Investor Protection Fund Trust,
The National Stock Exchange of India Ltd,
Exchange Plaza,
Plot No.C/1, G Block, Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051.

5. The Securities and Exchange Board of India,
Plot No.4 C4-A, 'G' Block,
Bandra Kurla Complex, Bandra (East),
Mumbai – 400 051
With Regional Office at
D' Monte Building, 3rd Floor,
32 D' Monte Colony, TTK Road,
Alwarpet, Chennai-600 018.

... Respondents in all WPs

Prayer in WP.No.9445 of 2010: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records of the 2nd Respondent in Letter Ref: NSE/DCS/2009/917 dt. 21.8.2009 and Letter Ref:NSE/DCS/2009/1849 dt. 31.12.2009 and quash the said letters, and consequently direct the 2nd and 4th Respondents to reconsider the entire claims of the Petitioner including those for a sum of Rs.27,48,826/- towards non-receipt of margin money, and the further claims for Rs.22,425 towards corporate benefits and for interest at 18% p.a. in accordance with the requirements of justice.



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Prayer in WP.No.9446 of 2010: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records of the 2nd Respondent in Letter Ref: NSE/DCS/2009/903 dt. 21.8.2009 and Letter Ref:NSE/DCS/2010/22 dt. 5.1.2010 and quash the letters, and consequently direct the 2nd and 4th Respondents to reconsider the entire claims of the Petitioner including the full extent of the claim towards outstanding credit balance for a sum of Rs.58,619/-, the claim for non-return of securities amounting to Rs.3,78,550/- and the further claim for interest at 18% p.a. in accordance with the requirements of justice.

Prayer in WP.No.9447 of 2010: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records of the 2nd Respondent in Letter Ref: NSE/DCS/2009/904 dt. 21.8.2009 and quash the said letter, and consequently direct the 2nd and 4th Respondents to reconsider the entire claims of the Petitioner including the claims of the Petitioner for a sum of Rs.2,07,298/- towards outstanding credit balance in the Ledger Account as on 30.7.2007, the further claim for a sum of Rs.9,58,118/- towards non-receipt of margin money, the claim for Rs.15,035/- towards corporate benefits and finally the claim for interest at 18% p.a. in accordance with the requirements of justice.

(In all WPs)

For Petitioners : No Appearance

For Respondents : Mr.S.Thiruvengkataswamy (for R1)



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Ms.K.Sathya (for R5)
for M/s.Shivakumar and Suresh

No Appearance (for R2 to R4)

COMMON ORDER

When the matter is listed for hearing on 01.12.2022, there was no representation on behalf of the petitioners. This Court thus listed the matter today under the caption “for dismissal” and it is so listed.

2. Even today when the matter is called for, there is no representation by or on behalf of the petitioners.

3. Hence, these Writ petitions are dismissed for Non-Prosecution. No costs. Consequently, connected miscellaneous petitions are closed.

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15.12.2022

Index : Yes / No
Speaking Order/Non-Speaking Order

To

1.The National Stock Exchange of India Ltd.,
Exchange Plaza,
Plot No.C/1, G Block, Bandra Kurla Complex,
Bandra (E), Mumbai – 400 051
With Branch Office at



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2nd Floor, Ispahani Centre,
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Nungambakkam, Chennai-600 034.

2.The Defaulter's Committee,
The National Stock Exchange of India Ltd.,
Exchange Plaza,
Plot No.C/1, G Block, Bandra Kurla Complex,
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3.The National Exchange Investor Protection Fund Trust,
The National Stock Exchange of India Ltd,
Exchange Plaza,
Plot No.C/1, G Block, Bandra Kurla Complex,
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Dr.ANITA SUMANTH, J.

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