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W.A.Nos.13 & 14 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.A.Nos.13 & 14 of 2021
and
C.M.P.Nos.165 & 178 of 2021

W.A.No.13 of 2021:

Mr.A.Kumar

... Appellant

Vs.

1.Ministry of Corporate Affairs,
Government of India, A Wing,
Shastri Bhawan, Rajendra Prasad Road,
New Delhi – 110 001.

2.Serious Fraud Investigation Office,
2nd Floor, Deenadayal Antyodaya Bhawan,
CGO Complex, Lodhi Road,
New Delhi – 110 003.

3.National Stock Exchange of India Ltd.,
Exchange Plaza, C-1, Block G,
Bandra Kurla Complex, Bandra(E),
Mumbai – 400 051.

... Respondents



W.A.Nos.13 & 14 of 2021

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order of the learned Judge dated 07.10.2020 in W.P.No.24326 of 2018.

For Appellant : Mr.L.Narasimha Varman

For R1 : Mr.S.Diwakar

For R2 : Not Ready in Notice

For R3 : Mr.P.Giridharan

W.A.No.14 of 2021:

Mr.A.Kumar

... Appellant

Vs.

1.Finance Intelligent Unit – India,
6th Floor, Hotel Samrat,
Kautilyamarg, Chanakyapuri,
New Delhi – 110 021.

2.National Stock Exchange of India Ltd.,
Exchange Plaza, C-1, Block G,
Bandra Kurla Complex, Bandra(E),
Mumbai – 400 051.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order of the learned Judge dated 07.10.2020 in W.P.No.24325 of 2018.

For Appellant : Mr.L.Narasimha Varman

For R1 : Mr.S.Diwakar

For R2 : Mr.P.Giridharan



W.A.Nos.13 & 14 of 2021

COMMON JUDGMENT

[Judgment was delivered by **S.M.SUBRAMANIAM, J.**]

The writ appeals have been instituted challenging the order dated 07.10.2020 made in in W.P.Nos.24325 and 24326 of 2018.

2. The petitioner is the appellant before us. The writ petition was instituted for a mandamus to direct the respondents to dispose of the representation of the petitioner dated 21.08.2018.

3. The learned Single Judge considered the entire issues on merits and made a finding as under;

“21. Section 6(3) of the Securities Contracts (Regulation) Act, 1956, mentions about the power of the Central Government to call for periodical reports or direct enquiries to be made. Already show cause notice was issued under Section 11 of the Securities Contract (Regulation) Act. When the prayer in both the writ petitions, is to consider the



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representation of the petitioner dated 21.08.2018, and action has already been taken and that the SAT is seized of the matter and having reserved orders in the appeal, issuance of mandamus, is not warranted. It is not in dispute that the petitioner himself has filed an independent appeal besides impleading himself in the other appeal. Hence these writ petitions are unnecessary and the same are liable to be dismissed.”

4. At the time of hearing the writ petitions, action initiated before the SAT was pending and orders reserved in the appeal. When the matter was heard during the relevant point of time by the SAT, the Writ Court dismissed the writ petition on the ground that the issuance of direction to consider the representation would not arise at all.

5. The learned counsel appearing on behalf of the 2nd respondent would submit that SAT passed final orders and the said orders have been further challenged before the Hon'ble Supreme Court of India in Civil Appeal



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Nos.1692 to 1694 of 2023. Therefore, no further adjudication on merits needs to be undertaken in respect of the grounds raised in the present writ appeals.

6. Accordingly, the Writ Appeals stand closed. Consequently, connected Miscellaneous Petitions are also closed. However, there shall be no order as to costs.

[S.M.S., J.] [C.K., J.]
04.06.2024

Jeni

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

- 1.The Ministry of Corporate Affairs,
Government of India, A Wing,
Shastri Bhawan, Rajendra Prasad Road,
New Delhi – 110 001.
- 2.The Serious Fraud Investigation Office,
2nd Floor, Deenadayal Antyodaya Bhawan,
CGO Complex, Lodhi Road,
New Delhi – 110 003.
- 3.The Finance Intelligent Unit – India,
6th Floor, Hotel Samrat,
Kautilyamarg, Chanakyapuri,
New Delhi – 110 021.



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and
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