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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 10598/2023**

GAJRAJ SINGH CHAUHAN

..... Petitioner

Through: Mr. Kumar Mihir, Mrs. Priyanka, Mr.
Vivek Kumar, Advocates.

versus

SECURITIES AND EXCHANGE BOARD OF INDIA

..... Respondent

Through: Mr. Ashish Aggarwal, Advocate for
SEBI.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **10.08.2023**

CM APPL. 41153/2023 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 10598/2023 & CM APPL. 41152/2023

1. At the outset, learned Counsel for the Respondent/SEBI states that the Petitioner has not availed of the alternate remedy available to him under law by challenging the Attachment Order and the Adjudication Order dated 29.12.2017. He also points out towards Sections 15E and 28A read with explanation (3) of the SEBI Act, 1992 to support his contention.
2. Confronted with this, the learned Counsel for the Petitioner seeks permission to withdraw the instant writ petition with liberty to approach the Appellate Authority.
3. Permission and liberty, as prayed for, are granted.

4. The Petitioner is directed to approach the Appellate Authority within 10 days from today.
5. Since the petition has been withdrawn on the first hearing, this Court has not made any observations on the merits of the case. Liberty is granted to the Petitioner to raise all the contentions, including the contentions raised in the instant petition before the appellate authority.
6. On an appeal being filed by the Petitioner within 10 days, the Appellate Authority is requested to consider the application of delay sympathetically considering the peculiar facts and circumstances of the case. The Appellate Authority is also requested to consider the appeal on its own merits without being influenced by the fact that the instant petition has been withdrawn.
7. The writ petition is dismissed as withdrawn, along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

AUGUST 10, 2023

S. Zakir