

BEFORE THE SECURITIES APPELLATE TRIBUNAL
MUMBAI

Appeal No.152 of 2007
Alongwith
Misc. Application No.20 of 2008

Date of decision: 13.3.2008

M/s. Bhuwania Vinimay Private Limited Appellant

Versus

The Adjudicating Officer,
Securities and Exchange Board of India Respondent

Mr. Vinay Chauhan Advocate for the Appellant.

None present for the Respondent.

Coram: Justice N.K. Sodhi, Presiding Officer
Arun Bhargava, Member
Utpal Bhattacharya, Member

Per: Justice N.K. Sodhi, Presiding Officer (Oral)

This appeal is directed against the order dated May 30, 2007 passed by the adjudicating officer levying a penalty of Rs. one crore on the appellant for not complying with the summons issued to it during the course of the investigation proceedings. During the pendency of the appeal, the appellant moved an application before the Securities and Exchange Board of India for a consent order in terms of the circular dated April 20, 2007 laying down guidelines for consent orders and for considering requests for composition of offences. The application was scrutinized by the Board and thereafter the matter was referred to the High Powered Advisory Committee for its approval. The committee after deliberations recommended the case for settlement of the dispute on the appellant paying a sum of Rs.8.65 lacs including the legal costs. The terms proposed by the appellant were accepted by the committee and the case was recommended to the Board for its acceptance. The recommendations of the committee were placed before two whole time members of the Board who have in principle approved the terms of consent as recommended by the committee. It was then that Miscellaneous Application no.20 of

2008 was filed by the appellant with a prayer that the appeal be disposed of in accordance with the aforesaid consent terms arrived at between the parties and as recommended by the committee.

We have heard the learned counsel for the parties and having perused the impugned order and keeping in view the nature of the charges established against the appellant are of the view that it would be in the interest of justice if the appeal is disposed of as per the consent terms recommended by the committee and approved by the Board. We order accordingly.

The Miscellaneous Application no.20 of 2008 is allowed and the appeal stands disposed of as above. No costs.

Sd/-
Justice N.K. Sodhi
Presiding Officer

Sd/-
Arun Bhargava
Member

Sd/-
Utpal Bhattacharya
Member

13.3.2008
pw