

**BEFORE THE SECURITIES APPELLATE TRIBUNAL
MUMBAI**

**Appeal No. 71 of 2007
And
Misc. Application No. 76 of 2008**

Date of Decision: 17.10.2008

M/s. Omega Equities Pvt. Ltd Appellant

Versus

Securities and Exchange Board of IndiaRespondent

Mr. Vinay Chauhan Advocate for the Appellant.

Mr. Mihir Mody Advocate with Ms. Forum Shah Advocate for the Respondent.

CORAM : Justice N.K. Sodhi, Presiding Officer
Utpal Bhattacharya, Member

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

This order will dispose of three Appeals no. 71, 72 and 73 of 2007 all of which are directed against the common order dated 6.6.2007 passed by the whole time member of the Securities and Exchange Board of India (for short the Board) imposing a major penalty of suspension of certificate of registration of the appellants as stock brokers for a period of 12 months. When the appeals were admitted, the operation of the impugned order had been stayed. During the pendency of the appeals the three appellants filed applications before the Board seeking a consent order in terms of the circular dated April 20, 2007. These applications were processed and put up before the High Powered Committee set up for the purpose. The proposed terms and the revised offers made by the appellants were considered by the committee. The appellant in Appeal no. 71 of 2007 voluntarily offered to suspend its operations as a stock broker for a period of one year and the other two appellants offered to deposit a sum of Rs 3.5 crores. This offer from the appellants was accepted by the High Powered Committee and a recommendation was made to the Board to approve the same. The matter was then placed before two members of the Board who have granted their approval subject to the terms being approved by this Tribunal. It was

then that the appellants filed Misc. Applications no. 76, 77 and 78 of 2008 in the pending appeals making a prayer that the appeal be disposed of as per the consent terms accepted by the committee and approved by the Board.

We have heard the learned counsel for the parties. The appellants are registered stock brokers with the Board. They have been found to have executed synchronized/ manipulative trades on behalf of their clients thereby violating clauses 4(a) to (d) of the Securities and Exchange Board of India (Prohibition of Fraudulent and Unfair Trade Practices relating to Securities Market) Regulations, 1995 and the code of conduct prescribed for the stock brokers. Hence the impugned order.

Having regard to the nature of the transactions executed by the appellants and the quantum of penalty imposed by the whole time member and taking note of the fact that the appellant in Appeal no. 71 of 2007 has voluntarily undertaken to suspend its broking business for a period of 12 months, we approve the consent terms as accepted by the committee and recommended to the Board for approval. The appeals are accordingly disposed of as per the consent terms. The impugned order shall stand modified accordingly. No costs. The Misc. Applications also stand disposed of.

Sd/-
Justice N.K. Sodhi
Presiding Officer

Sd/-
Utpal Bhattacharya
Member

17.10.2008
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