

BEFORE THE SECURITIES APPELLATE TRIBUNAL
MUMBAI

**Misc. Application No. 88 of 2008
And
Appeal No. 34 of 2007**

Date of decision : 10.11.2008

SVS Securities Private Ltd. Appellant

Versus

Securities and Exchange Board of India Respondent

Mr. Zerik Dastur Advocate for the Appellant.

Mr. Anant Uphadhyay Advocate with Ms. Pranita Mhatre Advocate for the Respondent.

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

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

This appeal is directed against the order dated February 2, 2007 passed by the whole time member of the Securities and Exchange Board of India (for short the Board) imposing a minor penalty of suspension of the certificate of registration of the appellant as a stock broker for a period of 7 days. When the appeal was admitted, the operation of the impugned order had been stayed. During the pendency of the appeal the appellant filed an application before the Board for obtaining a consent order in terms of the circular dated April 20, 2007 issued by the Board. This application was processed by the Board and the terms as proposed by the appellant were placed before the High Powered Committee set up for the purpose. We are informed that the Committee after considering those terms approved the same and made a recommendation to the Board to pass a consent order as per those terms. The matter was then placed before two whole time members who had granted their approval subject to the approval being granted by this Tribunal. It may be mentioned that since the matter was pending in appeal before this Tribunal, the aforesaid circular requires the approval of the terms by us. The

appellant has now filed the present application with the prayer that the appeal be disposed of as per the consent terms as approved by the Committee and the Board.

We have heard the learned counsel for the parties. The appellant before us is a stock broker registered with the Board and its certificate of registration has been suspended for a period of 7 days. The charge levelled against the appellant is that it violated the Securities and Exchange Board of India (Prohibition of Fraudulent and Unfair Trade Practices relating to Securities Market) Regulations, 1995 and that while acting as a broker on behalf of its clients, it executed synchronized and matching trades. Having regard to the nature of transactions executed by the appellant and the penalty imposed on it and taking note of the terms proposed by the appellant which have been approved by the Committee and the Board, we are of the opinion that it would be in the interest of the justice if the appeal is disposed of as per the consent terms approved by the Committee and the Board. We order accordingly. No costs.

Sd/-
Justice N.K.Sodhi
Presiding Officer

Sd/-
Utpal Bhattacharya
Member

10.11 .2008
sl