

BEFORE THE SECURITIES APPELLATE TRIBUNAL  
MUMBAI

**Misc. Application No. 103 of 2009  
And  
Appeal No. 3 of 2009**

**Date of Decision: 7.1.2010**

M/s. Active Finstock Private Limited  
1801, Stock Exchange Tower,  
Dalal Street,  
Mumbai-400 001

.....Appellant

Versus

Securities and Exchange Board of India  
SEBI Bhavan,  
Plot No. C4-A, "G" Block,  
Bandra Kurla Complex, Bandra (East), Mumbai.

..... Respondent

Mr. Deepak Dhane, Advocate for Appellant.

Mr. Kumar Desai, Advocate with Mr. Anant Upadhyay, Advocate for Respondent.

CORAM : Justice N.K. Sodhi, Presiding Officer  
Samar Ray, Member

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

This appeal is directed against the order dated January 6, 2009 passed by the whole time member whereby he suspended for one day the certificate of registration of the appellant as a stock broker. It has been found that the appellant as a stock broker allowed M/s. Khandwala Finstock Private Limited to act as its unregistered sub-broker. During the pendency of the appeal, the appellant filed an application for a consent order in terms of the circular dated April 20, 2007 issued by the Securities and Exchange Board of India (for short the Board). The application was scrutinized and the consent terms by the appellant were placed before the High Powered Committee for its consideration. The appellant has undertaken to pay in all a sum of Rs. 2,60,000/- including the settlement and legal charges. The High Powered

Committee has accepted these terms which have also been approved by two whole time members of the Board subject to the approval being granted by this Tribunal.

The appellant has now filed Miscellaneous Application No. 103 of 2009 with a prayer that the consent terms as offered by the appellant and accepted by the High Powered Committee be approved and the appeal be disposed of in terms thereof.

We have heard the learned counsel for the parties and having regard to the nature of the charge levelled against the appellant, we are of the view that the ends of justice would be adequately met if the appellant deposits a sum of Rs 2.6 lacs in all. We are informed that the amount has since been paid. This being so, we grant approval to the consent terms offered by the appellant and dispose of the appeal accordingly. The impugned order stands modified as per the consent terms. No costs.

Sd/-  
Justice N.K. Sodhi  
Presiding Officer

Sd/-  
Samar Ray  
Member

7.1.2010  
pmb

Prepared & Compared By: Prerana