

BEFORE THE SECURITIES APPELLATE TRIBUNAL  
MUMBAI

**Appeal No. 186 of 2009**

**Date of decision : 5.1.2010**

M/s. Kankeshwari Securities  
(Proprietor Mr. Nimish Chitalia)  
Chandra Apartments,  
Mandpeshwar Road, Borivali (West),  
Mumbai.

...Appellant

Versus

Securities and Exchange Board of India ,  
SEBI Bhavan, C-4A,  
Bandra Kurla Complex,  
Mumbai.

... Respondent

Mr. Nimesh Chitalia, Appellant in person.

Ms. Daya Gupta, Advocate for the 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 May 25, 2009 passed by the adjudicating officer holding the appellant guilty of executing circular trades and for violating the code of conduct prescribed for the stock brokers. A penalty of Rs. 3 lacs in all has been imposed on the appellant. During the pendency of the appeal, the appellant filed an application before the respondent Board for a consent order and offered to pay a sum of Rs. 3,32,000/- in all including legal expenses. The revised consent terms were considered by the High Powered Committee set up for the purpose which has granted its approval. Two whole time members of the respondent Board have also approved the consent terms. The representative of the

appellant prays that the appeal be disposed off as per the consent terms and undertakes to deposit a sum of Rs. 3,32,000/- within 10 days from today. Having regard to the nature of the charges established against the appellant, we are of the view that the ends of justice would be adequately met if the appellant deposits the aforesaid amount. The appeal is disposed off as per the consent terms and the impugned order stands modified accordingly.

Sd/-  
Justice N. K. Sodhi  
Presiding Officer

Sd/-  
Samar Ray  
Member

5.1.2010  
Prepared and compared by :  
msb/-