

BEFORE THE SECURITIES APPELLATE TRIBUNAL
MUMBAI

Mis. Application No. 25 of 2009
And
Appeal No. 137 of 2008

Date of decision: 15.06.2009

M/s. Rosy Blue Securities Pvt. Ltd. Appellant

Versus

Securities and Exchange Board of IndiaRespondent

Mr. Vinay Chouhan, Advocate for the Appellant.
Ms. Harshada Nagare, 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 October 21, 2008 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 15 days. The appellant was found guilty of having violated the code of conduct specified in Schedule II under Regulation 7 of the Securities and Exchange Board of India (Stock Brokers and Sub-brokers) Regulations, 1992.

During the pendency of the appeal the appellant filed an application before the Board seeking a consent order in terms of the circular dated April 20, 2007 issued by the Board. The terms of settlement as proposed by the appellant were considered by the High Powered Committee and on those being revised by the appellant, have been accepted. A recommendation has been made to the Board to dispose off the matter as per the terms proposed by the appellant. Two whole time members of the Board then considered the matter in the light of the recommendation made by the High Powered

Committee and have accepted the proposed terms. It was thereafter, that the appellant filed Miscellaneous Application no. 25 of 2009 seeking approval of this Tribunal of the terms as proposed by the appellant and accepted by the Board on the recommendations of the High Powered Committee. The prayer made in the application is that the appeal be disposed off as per the terms proposed by the appellant.

We have heard the learned counsel for the parties and having regard to the facts and circumstances of the case and also taking note of the charge that was established against the appellant in the enquiry proceedings, we are of the view that the ends of the justice would be adequately met if the terms proposed by the appellant are accepted. The appellant has offered to pay a sum of Rs.10 lacs which it has already deposited with the Board. In this view of the matter, we allow the application, approve the consent terms as proposed by the appellant and dispose off the appeal as per the consent terms. The impugned order stands modified accordingly. No costs.

Sd/-
Justice N.K.Sodhi
Presiding Officer

Sd/-
Samar Ray
Member

15.06.2008
ptm

Prepared & Compared by
PTM