

BEFORE THE ADJUDICATING OFFICER
SECURITIES AND EXCHANGE BOARD OF INDIA, MUMBAI
CONSENT ORDER

On the Application submitted by

Mr. Babubhai Amrutlal Patel

In the matter of Promact Plastics Limited

PPL / SKS / AO / 03 / 2010

1. Securities and Exchange Board of India (hereinafter referred to as 'SEBI') had initiated adjudication proceedings against Mr. Babubhai Amrutlal Patel (hereinafter referred as 'Noticee'), for the alleged violation of the provisions of Regulation 3 (a), (b), (c) & (d), 4(1), 4(2) (a), (k) & (r) of Securities and Exchange Board of India (Prohibition of Fraudulent and Unfair Trade Practices) Regulations, 2003 (hereinafter referred to as '**PFUTP Regulations**') and Clause 3.2-3 of Part A (Model code of conduct for Prevention of Insider Trading for listed companies) of Schedule I read with Regulation 12(1) of the Securities and Exchange Board of India (Prohibition of Insider Trading) Regulations, 1992 (hereinafter referred to as '**PIT Regulations**') in respect of the trading in the scrip of Promact Plastics Ltd. (hereinafter referred to as '**PPL**'), during the investigation period from 11/02/2005 to 30/09/2005. The undersigned has been appointed as Adjudicating Officer (AO) under SEBI (Procedure for Holding Inquiry and Imposing Penalties by Adjudicating Officer) Rules, 1995 (hereinafter referred to as the Adjudication Rules) to inquire into and adjudge under Section 15G and 15HA of the SEBI Act, 1992 (hereinafter referred to as the '**Act**'), for the aforesaid violation.
2. For this Adjudication proceeding, Show Cause Notice No. ADJ/SKS/SK/178133/2009 dated September 25, 2009 was issued by the Adjudicating Officer under Rule 4 of the Adjudication Rules.

3. Further, while the adjudication proceedings were pending, the Noticee had filed a revised consent application for consent proceedings vide application dated 18th March, 2010, and an affidavit of “Undertakings and Waivers” in the aforesaid matter in terms of SEBI Circular No. EFD/ED/Cir-1/2007 dated 20th April, 2007 and proposed to pay Rs. 1,00,000 /- (Rupees One Lakh only) towards settlement charges and voluntary debarment from dealing in the securities market in any manner whether directly or indirectly for a period of five years along with an undertaking to not hold directorship in any listed company for the said period of five years. The terms as proposed by Noticee were placed before the High Powered Advisory Committee (HPAC) meeting held on May 31, 2010, and after considering the facts and circumstances of the case, the HPAC recommended that the case may be settled on payment of Rs. 1,00,000/- (Rupees One Lakh only) towards settlement charges and voluntary debarment from dealing in the securities market in any manner whether directly or indirectly for a period of five years along with an undertaking to not hold directorship in any listed company for the said period of five years. Thereafter, SEBI vide letter OW/17331/2010 dated August 25, 2010, conveyed to the Noticee that SEBI has in principle agreed to accept the terms of consent subject to clauses of undertaking and waivers made in the consent application and advised the Noticee to pay in accordance with consent terms.
4. In terms of the Noticee's proposal for the sole purpose of settling the matter on hand and without admission or denial of guilt on the part of the Noticee to the finding of fact or conclusion of law, Noticee has remitted a sum of Rs. 1,00,000/- (Rupees One Lakh only), vide Demand Draft No. 063951 dated September 09, 2010, drawn on HDFC Bank, payable at par at Mumbai, towards the settlement charges in the aforesaid matter.
5. In view of the above, it is hereby ordered that:

(a) this consent order disposes of the said adjudication proceedings pending against the Noticee Viz. Mr. Babubhai Amrutlal Patel under the Securities and Exchange Board of India Act, 1992 and

(b) passing of this order is without prejudice to the right of SEBI to take enforcement actions including commencing/ reopening of the pending proceedings against the Noticee, if SEBI finds that

I. any representations made by the Noticee in the consent proceedings are subsequently discovered to be untrue.

II. the Noticee has breached any of the clauses/conditions of undertakings/waivers filed during the current consent proceedings.

6. This consent order is passed on the 23rd day of November, 2010, and shall come into force with immediate effect.

PLACE: MUMBAI

**SANTOSH KUMAR SHARMA
ADJUDICATING OFFICER**