

BEFORE THE ADJUDICATING OFFICER
SECURITIES AND EXCHANGE BOARD OF INDIA

CONSENT ORDER

ON THE APPLICATION SUBMITTED BY

SHRI EAPEN CHAKO.

CO/CFD-DCR/ 1291/AO/PKB/EAD-4/04/2009

Under section 15-I of Securities and Exchange Board of India Act, 1992
read with Rule 5 of SEBI (Procedure for Holding Inquiry and Imposing
Penalties by Adjudicating Officer) Rules, 1995

1. SEBI, vide order dated July 18, 2007, initiated adjudication proceedings against Shri Eapen Chako (hereinafter referred to as "noticee") for delayed compliance and thereby alleged violation of disclosure provisions viz. Regulation 6(1) & 6(3) for the year 1997 and Regulation 8(1) & 8(2) for the years 1997 till 2006, of SEBI (Substantial Acquisition of Shares and Takeovers), Regulations, 1997. A Show Cause Notice dated August 6, 2007 was issued to the noticee. Shri Sura Reddy was appointed as the adjudicating Officer.
2. Pursuant to the transfer of Shri Sura Reddy, the undersigned was appointed as Adjudicating Officer vide order dated December 10, 2008.
3. Pending the adjudication proceedings, the authorised representative of the noticee made an application dated November 2, 2007, alongwith affidavit in the format prescribed by SEBI for settlement in the matter in terms of SEBI Circular No. EFD/Cir.-1/2007 dated 20th April, 2007. Pursuant to the said application , the noticee vide letter dated October 3, 2008 proposed revised consent terms submitting that they were willing to pay a consolidated amount of Rs. 3,00,000/- (Rupees Three Lakh only) towards consent terms and Rs. 5,000/- (Rupees Five thousand only) towards administrative expenses.
4. The revised consent terms were placed before the High Powered Advisory Committee (hereinafter referred to a "HPAC") and HPAC

after deliberation recommended the case for settlement on the revised consent terms proposed by the noticee.

5. In terms of the proposal of the noticee 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, the noticee vide letter dated January 13, 2009 remitted consolidated sum of Rs. 3,05,000/- (Rupees Three Lakhs and Five Thousand only) vide Demand Draft No. 720982 dated January 12, 2009 drawn on the State Bank of India, Mumbai , towards the terms of consent in the matter.
6. In view of the above, it is hereby ordered that:
 - i) this consent order disposes of the said adjudication proceedings pending against the noticee under SEBI Act, 1992 and
 - ii) 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:
 - a. any representations made by the noticee in the consent proceedings are subsequently discovered to be untrue.
 - b. the noticee has breached any of the clauses / conditions of undertakings / waivers filed during the current consent proceedings.
7. This consent order is passed on the 20th day of January, 2009 and shall come into force with immediate effect.
8. In terms of Rule 6 of the Adjudication Rules, copies of this order are sent to the Noticee and also to the Securities and Exchange Board of India.

P.K.BINDLISH
ADJUDICATING OFFICER

Place : Mumbai