

CONSENT ORDER IN THE ADJUDICATION PROCEEDINGS AGAINST BAKUL DESAI, HEMLATA DESAI AND CHIRAG DESAI IN THE MATTER OF IRREGULARITIES RELATING TO INITIAL PUBLIC OFFERINGS.

1. Securities and Exchange Board of India (hereinafter referred to as “SEBI”) vide order dated May 25, 2006 initiated adjudication proceedings against Bakul Desai, Hemlata Desai and Chirag Desai (hereinafter referred to as “applicants”). I was appointed as Adjudicating Officer to inquire into and adjudge under Section 15 I read with Section 15 HA of the Securities and Exchange Board of India Act, 1992 (hereinafter referred to as “SEBI Act”), the violations alleged to have been committed by applicants.
2. In the investigation conducted by SEBI into the dealings in the shares issued through Initial Public offerings (IPOs) by certain companies, it was observed that many entities cornered / acquired shares in the various IPOs during the period 2003-2005 by making fictitious applications in the category reserved for retail investors using the medium of thousands of fictitious / benami applicants. The said key operators were being funded during the IPOs by certain financiers who provided money to the operators for making IPO applications in fictitious / benami names. It is alleged that the applicants acted as a financier to the Key Operators who had opened many demat accounts in fictitious and benami names and made large number of applications in the IPOs in the category of retail investors.
3. In response to the show cause notice A&E/BS/69369/2006 dated June 16, 2006 issued in the adjudication proceedings, the applicants made an application dated 14th February 2008 along with an affidavit of “undertakings / waivers” in the matter in terms of SEBI Circular no. EFD/Cir-1/2007 dated April 20, 2007. In the above application, the

applicants proposed consent terms where the applicants without admitting or denying guilt and subject to the clauses of the undertakings and the waivers proposed to offer Rupees Seventy seven thousand four hundred sixty (Rs. 77,460) towards consent terms and Rupees Twelve thousand five hundred and forty (Rs. 12,540) towards settlement charges in respect of the consent application number 534,535 and 536 of 2008 made by the applicants in the matter.

4. The consent terms proposed by the applicants were placed before the High Powered Advisory Committee (hereinafter referred to as “HPAC”) and the HPAC, after deliberation, recommended the case for settlement on payment of Rupees Seventy seven thousand four hundred sixty (Rs. 77,460) towards consent terms and Rupees Twelve thousand five hundred and forty (Rs. 12,540) as settlement charges.
5. In terms of the proposal submitted by applicants, for the sole purpose of settling the matter on hand and without admission or denial of guilt on the part of the applicants to any finding of fact or conclusion of law, the applicants have remitted a sum of Rupees Ninety thousand (Rs. 90,000) vide Demand Draft No. 055971 dated 23rd July, 2008 drawn on State Bank of Patiala, Mumbai towards the terms of consent in the matter of present adjudication proceedings. This order is being issued in the adjudication proceedings initiated against the applicants vide show cause notice no. A&E/BS/69369/2006 dated June 16, 2006. In this regard it is noted that SEBI vide Order dated 12th August, 2008 disposed of the section 11B proceedings against applicants.
6. In view of the above, it is hereby ordered that:

- (i) this consent order disposes of the present adjudication proceedings initiated vide show cause notice no. A&E/BS/69369/2006 dated June 16, 2006 against the applicants.
 - (ii) passing of this order is without prejudice to the right of SEBI to take enforcement action including commencing/reopening of the pending proceedings against the applicants, if SEBI finds that:
 - a. any representations made by the applicants in the consent proceedings are subsequently discovered to be untrue.
 - b. the applicants have breached any of the clauses / conditions of undertakings/waivers filed during the current consent proceedings.
7. This consent order is passed on this 14th day of August, 2008 and shall come into force with immediate effect.

Place: Mumbai

Biju. S

Adjudicating Officer