

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

**CONSENT ORDER**  
**On The Application Submitted By**

**Shri. Bernard D' Souza**  
**In the matter of**  
**M/ s Millenium Cybertech Limited.**

**CO/IVD-ID-8/1851/AO/SD/03/2009**

1. Securities and Exchange Board of India (hereinafter referred to as 'SEBI') had initiated adjudication proceedings against Sri Bernard D' Souza (hereinafter referred to as 'Noticee'), for the alleged violation of Regulation 3(a) of SEBI (Prohibition of Fraudulent and Unfair Trade Practices Relating to Securities Market) Regulations, 2003 (hereinafter referred to as the PFUTP Regulations) in the matter of M/s Millenium Cybertech Limited. 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 15HA of the SEBI Act, 1992 (hereinafter referred to as the 'Act'), for the aforesaid violations.
2. For this Adjudication proceedings a Show Cause Notice bearing No. EAD-2/SD/RKS/126217/2008 dated May 21, 2008 was issued by the Adjudicating Officer under Rule 4 of the Adjudication Rules.

3. Further, pending the adjudication proceedings, noticee had filed the application for consent order vide the Consent Application dated July 17, 2008 and an affidavit of "Undertakings and Waivers" in the aforesaid matter in terms of SEBI Circular No. EFD/ED/Cir-1/2007 dated 20<sup>th</sup> April, 2007 and vide letter dated 16<sup>th</sup> October, 2008 proposed to pay Rs.1,00,000/- (Rupees One Lakh only) towards settlement charges of the above said adjudication proceedings. The terms as proposed by noticee were placed before the High Powered Advisory Committee (HPAC) meeting held on December 01, 2008 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), which has been approved by the panel of Whole Time Members of SEBI on 11<sup>th</sup> December, 2008.
4. In terms of 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. 332515 dated December 23, 2008 drawn on Citizencredit Co-op. Bank Ltd., 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; Shri. Benard D'souza 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.

This consent order is passed on the 5<sup>th</sup> day of January, 2009 and shall come into force with immediate effect.

**PLACE: MUMBAI**

**SANDEEP DEORE**  
**ADJUDICATING OFFICER**