

Consent order against M/S. First Custodian Fund (India) Ltd in the matter of M/S. Blue Information Technology Ltd

Nov 20, 2007 | Orders : Settlement Order

<p>BEFORE THE SECURITIES AND EXCHANGE BOARD OF INDIA, MUMBAI</p> <p>CONSENT ORDER</p> <p>ON THE APPLICATION SUBMITTED BY M/S. FIRST CUSTODIAN FUND (INDIA) Ltd.</p> <p>IN THE MATTER OF M/S. BLUE INFORMATION TECHNOLOGY Ltd. (PDF)</p> <p>CO/IVD6 /1043/06/2007</p>	
1.	SEBI conducted investigations into the irregularity in trading of the shares of Blue Information Technology Ltd. Pursuant to the investigation, enquiry proceedings were against the applicant, M/s First Custodian Fund (India) Ltd. On concluding the enquiry proceedings, SEBI vide its Show Cause Notice ref. no. IVD/ID6/BM/NS/BITL/91910/C April 24, 2007 has alleged that the applicant had violated Regulation 3 (Prohibition of Fraudulent and Unfair Trade Practices relating to Securities Market) Regulations, 1995 provisions of clause A (2) of the Code of Conduct as specified in Schedule II read with Regulation 7 of SEBI (Stock Brokers & Sub-broker) Regulations, 1992. The said proceedings are pending against the applicant with SEBI.
2.	The applicant made an application dated July 21, 2007 enclosing therewith an affidavit of "undertakings/waivers" for settlement in the matter in terms of SEBI Circular EFD/Cir.-1/2007 dated 20 th April, 2007. Thereafter, applicant has proposed vide letter dated August 31, 2007 revised consent terms submitting that "we propose Rs.5,00,000/- (Rupees Five Lakh Only) towards consent terms in the matter". The revised consent terms proposed by the applicant have been placed before the High Finance Advisory Committee (HPAC) and HPAC after deliberation recommended that the case may be settled on payment of Rs. 5,00,000 (Rupees Five Lakhs).
3.	In terms of the applicant's proposal for the sole purpose of settling the matter on hand and without admission or denial of guilt on the part of the applicant to the finding of conclusion of law, applicant has remitted a sum of Rs.5,00,000/- (Rupees five lakh only) vide Demand Draft No. 971716 dated 11.10.2007 drawn on HDFC Bank, Mumbai, in the terms of consent in the matter.
4.	<p>In view of the above, it is hereby ordered that</p> <p>i) this consent order disposes of the said enquiry proceedings pending before SEBI against the applicant in the matter of M/s. Blue Information Technology Ltd., and</p> <p>ii) passing of this order by SEBI is without prejudice to the right of SEBI to take enforcement actions including commencing / reopening of the pending proceedings against the applicant, if SEBI finds that</p> <p>a. any representations made by the applicant in the consent proceedings are subsequently discovered to be untrue.</p> <p>b. the applicant has breached any of the clauses / conditions of undertakings / waivers filed during the current consent proceedings.</p>
<p>This consent order is passed on this the 20th of November, 2007 and shall come into force with immediate effect.</p>	
<p>G. Anantharaman</p> <p>Whole Time Member</p>	
<p>T.C. Nair</p> <p>Whole Time Member</p>	

