

BEFORE THE ADJUDICATING OFFICER
SECURITIES AND EXCHANGE BOARD OF INDIA

SETTLEMENT ORDER
(Application No. 3253/2017)

On the application submitted by
Mr. Atul Kumar

In the matter of Oricon Enterprises Limited

Settlement Order No: SO/SR/EAD/01/2017

1. Securities and Exchange Board of India (hereinafter referred to as '**SEBI**') initiated adjudication proceedings against Mr. Atul Kumar (hereinafter referred to as "**the applicant**") to inquire into and adjudge under Section 15A(b) of the Securities and Exchange Board of India Act, 1992 (hereinafter referred to as '**SEBI Act**') for the violation of the provisions of Regulation 13(4A) read with Regulation 13(5) of SEBI (Prohibition of Insider Trading) Regulations, 1992 (hereinafter referred to as **SEBI (PIT) Regulations**) alleged to have been committed by the applicant.
2. In this regard, a Show Cause Notice dated March 31, 2017 (hereinafter referred to as '**SCN**') was issued to the applicant by the then Adjudicating Officer Shri Nagendraa Parakh. Consequent to the promotion of Shri Nagendraa Parakh to the post of Executive Director, undersigned has been appointed as the Adjudicating Officer vide Order dated July 10, 2017 in the present matter.
3. It was alleged in the SCN that the applicant was the promoter of Oricon Enterprises Limited (hereinafter referred to as '**OEL**') during the period from April 01, 2011 to November 30, 2011. The applicant on September 21, 2011 transferred 1,00,220 shares of OEL through off-market to Ms. Arundhati Sunil Parekh. As the change in shareholding of the applicant was more than 25000



shares, the applicant was required to make disclosures to OEL and Bombay Stock Exchange Limited under Regulation 13(4A) read with Regulation 13(5) of SEBI (PIT) Regulations. The applicant did not make the required disclosure and therefore, alleged to have violated the provisions of Regulation 13(4A) read with Regulation 13(5) of SEBI (PIT) Regulations.

4. Pending adjudication proceedings, the applicant submitted a consent application vide letter dated May 25, 2017 and an undertaking in the format prescribed by SEBI for settlement of the matter in terms of SEBI (Settlement of Administrative and Civil Proceedings) Regulations, 2014 (hereinafter referred to as '**Settlement Regulations**').
5. Pursuant to the above mentioned Consent Application made by the applicant, the Authorized Representatives of the applicant, attended a meeting with the Internal Committee on Consent on August 24, 2017. During the aforesaid meeting, the settlement terms of Rs. 2,00,000/- (Rupees Two Lakhs Only) calculated as per the Settlement Regulations were communicated to the authorised representatives of the applicant. The applicant vide letter dated August 24, 2017 proposed payment of Rs. 2,00,000/- (Rupees Two Lakhs Only) towards full and final settlement of all regulatory, civil or criminal proceedings in relation to the facts contained in the SCN without admitting or denying any violation on the part of the applicant.
6. The settlement terms were placed before the High Powered Advisory Committee on Consent (hereinafter referred to as '**HPAC**') on September 04, 2017. The HPAC, after considering the facts and circumstances of the case, settlement terms offered by the applicant and the materials made available before it by SEBI, recommended that the aforesaid adjudication proceedings initiated against the applicant may be settled on payment of Rs. 2,00,000/- (Rupees Two Lakhs Only). The Panel of Whole Time Members of SEBI approved the said recommendation of HPAC on October 10, 2017 and the same was communicated to the applicant vide Email dated October 12, 2017.
7. The applicant vide letter dated October 13, 2017 has remitted a sum of Rs. 2,00,000/- (Rupees Two Lakhs Only) towards the settlement charges through



Demand Draft No. 395847 dated October 12, 2017 drawn on HDFC Bank Ltd.

8. In view of the above, in terms of Regulation 15(1) of the Settlement Regulations, it is hereby ordered that this settlement order disposes off the aforesaid adjudication proceedings initiated against the applicant viz. Mr. Atul Kumar vide SCN dated March 31, 2017.
9. This order is without prejudice to the right of SEBI to take enforcement actions including restoring or initiating the proceedings in respect to which the settlement order is passed against the applicant, if :
 - a. any representations made by the applicant in the settlement proceedings is subsequently found to be untrue; or
 - b. the applicant breaches any of the clauses /conditions of undertakings/ waivers filed during the current settlement proceedings.
10. This settlement order is passed on the **31st day of October, 2017** and shall come into force with immediate effect.
11. In terms of Regulation 17 of the Settlement Regulations, copies of this order are being sent to the applicant viz. Mr. Atul Kumar and also to the Securities and Exchange Board of India.

Place: Mumbai
Date: October 31, 2017

SANGEETA RATHOD
ADJUDICATING OFFICER

