

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

**CONSENT ORDER**

**ON THE APPLICATION SUBMITTED BY**

**PRATIBHUTI VINIHIT LIMITED**

**IN THE MATTER OF**

**DEALING IN FUTURES AND OPTIONS CONTRACTS**

**(CONSENT APPLICATION No. 246/2007)**

1. Securities and Exchange Board of India (SEBI) had conducted investigations into the alleged irregularities in dealings in derivatives on the Futures and Options Segment in the National Stock Exchange of India Limited (NSE) for the period January - March 2007. The investigations, *prima facie*, revealed that M/s. Pratibhuti Vinihit Limited, trading member of NSE, (hereinafter referred to as 'applicant') had failed to exercise due skill, care and diligence and executed large number of irregular trades. The applicant was buying and selling equal quantities of option contracts intra day in synchronization with other trading members. It was, therefore, alleged that the applicant had violated Regulations 3 and 4(1), (2)(a) & (b) of the SEBI (Prohibition of Fraudulent and Unfair Trade practices relating to Securities Market) Regulations, 2003 and Regulation 7 of the SEBI (Stock Brokers and Sub-brokers) Regulations, 1992.
2. Pursuant to the said investigations, SEBI initiated proceedings under Section 11B, 11(4) and 11D of the SEBI Act, 1992 and adjudication under Chapter VI of the SEBI Act, 1992 against the applicant and issued an ad interim ex-parte cease and desist order dated June 18, 2007. The Adjudicating Officer issued a show cause notice to the applicant on October 05, 2007.
3. While further proceedings in the matter were in progress, the applicant, vide letter dated October 31, 2007, proposed settlement of the said proceedings through a consent order in terms of SEBI circular No. EFD/Cir-1/2007 dated April 20, 2007. The consent terms proposed by the applicant were placed before the High Powered Advisory Committee (HPAC) appointed by SEBI and the HPAC,

after deliberations, recommended the case for settlement on payment of Rs.10,00,000/- (Rupees ten lakh only) towards settlement charges. SEBI accepted the said terms of settlement and communicated the same to the applicant vide letter dated July 30, 2008.

4. Accordingly, the applicant, without admitting or denying the charges, has remitted a sum of Rs.10,00,000/- (Rupees ten lakh only) vide demand draft No. 422223 dated August 4, 2008 drawn on HDFC Bank payable at Mumbai towards settlement charges.
5. In view of the above, it is hereby ordered that this consent order disposes of the said 11B and 11D proceedings pending before SEBI against the applicant and revokes the directions contained in the said order dated June 18, 2007 in so far as they related to the applicant. The Adjudicating Officer shall pass a separate order disposing of the adjudication proceedings.
6. This order is without prejudice to the right of SEBI to take enforcement actions, including commencing / reopening of the proceedings pending against the applicant, if:
  - a. any representation made by the applicant in this consent proceeding is subsequently discovered to be untrue.
  - b. the applicant breaches any of the consent terms or undertakings filed in this consent proceedings.
7. This consent order is passed on this day, the 7<sup>th</sup> of October, 2008 and shall come into force with immediate effect.

**Dr. T. C. Nair**  
**Whole Time Member**

**M. S. Sahoo**  
**Whole Time Member**