

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

On the Application submitted by

Digant R Desai (PAN: AKHPD4096J)

In the matter of IND Swift Ltd.

CO/ID-4/1755/AO/VSS/109/2009

1. Securities and Exchange Board of India (hereinafter referred to as '**SEBI**') conducted an investigation in the trading in the scrip of IND Swift Ltd. covering the period from November 03, 2003 to December 30, 2003. The investigation revealed that Mr. Digant R Desai (hereinafter referred to as '**Noticee**') along with counterparty client, Ms. Bela H. Kayastha was involved in synchronized, reversal and circular/artificial trades which created artificial volume and distorted market equilibrium. Therefore, adjudication proceedings were initiated against the Noticee to inquire and adjudge under section 15HA of Securities and Exchange Board of India Act, 1992 for the alleged violation of the provisions of regulations 4(1), 4(2)(a), (b), (g) and (n) of SEBI (Prohibition of Fraudulent and Unfair Trade Practices) Regulations, 2003 (hereinafter referred to as '**PFUTP Regulations**'). Consequently, a Show Cause Notice No. EAD/EAD-5/PG/62310/2006 dated March 09, 2006 was issued under rule 4 of SEBI (Procedure for Holding Inquiry and Imposing Penalties by Adjudicating Officer) Rules, 1995 by Mr. Piyoosh Gupta, (then) A.O. Consequent upon the transfer of Mr. Piyoosh Gupta, the undersigned has been appointed as A.O. vide order dated November 19, 2007.
2. While the Adjudication Proceedings were pending, the Noticee made an application dated June 06, 2008 and an affidavit of "undertakings and waivers" in terms of SEBI Circular No. EFD/ Cir.-1/2007 dated 20th April, 2007 for Consent Order in respect of the aforesaid notice before SEBI. Subsequently, the Noticee vide letter dated January 12, 2009 proposed revised consent terms, without admitting or denying the guilt and subject to clauses of the undertakings and waivers, submitting that he was willing to pay a sum of Rs.1,00,000/- (Rupees one lakh only) and voluntary debarment for a period of one year. The revised terms as proposed by the Noticee was placed before the High Powered Advisory Committee (hereinafter referred to as '**HPAC**') on June 12, 2009. The HPAC considered the facts and circumstances of the case, consent terms offered by the Noticee and the material brought before it by SEBI and recommended that the case may be settled on payment of Rs.1,00,000/- (Rupees one lakh only)

towards settlement charges and voluntary debarment from buying, selling or dealing in the securities market, in any manner whatsoever, whether directly or indirectly, for a period of one year. The recommendations of HPAC were placed before the two Whole Time Members of the Board who have agreed to the terms of consent as recommended by HPAC.

3. Accordingly, the applicant, without admitting or denying the charges, (i) has remitted a sum of Rs.1,00,000/- (Rupees one lakh only) towards settlement charges vide demand draft No.440474 dated July 06, 2009 drawn on State Bank of Patiala, payable at Mumbai; (ii) has undertaken, vide his letter dated January 12, 2009, to undergo voluntary debarment for one year from the date of this order.
4. In view of above, it is hereby ordered that,
 - i) This consent order disposes of the said proceedings pending against the Noticee under Securities and Exchange Board of India Act, 1992 and
 - ii) 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
 - a. any representation made by the Noticee in the consent proceedings is subsequently discovered to be untrue.
 - b. the Noticee has breached any of the clauses / conditions of undertakings/waivers filed during the current consent proceedings.
5. A copy of this order shall be served on all recognised stock exchanges and depositories to give effect to the undertaking furnished by the Noticee, referred to at Para 3(ii) above.
6. This consent order is passed on the July 29, 2009 and shall come into force with immediate effect.

V S Sundaresan
Adjudicating Officer