

Consent order against P.N.Vijay Financial Services Pvt. Ltd in the matter of P.N. Vijay Financial Services Pvt. Ltd

Nov 20, 2007 | Orders : Settlement Order

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| <div>BEFORE THE SECURITIES AND EXCHANGE BOARD OF INDIA</div> <div>MUMBAI</div> <div>CONSENT ORDER</div> <div>ON THE APPLICATION SUBMITTED BY</div> <div>P. N.VIJAY FINANCIAL SERVICES PVT. LTD</div> <div>IN THE MATTER OF</div> <div>P.N. VIJAY FINANCIAL SERVICES PVT. Ltd.(PDF)</div> <div>CO/IMD/1001/05 /2007</div>   |  |
| <div>1. SEBI conducted an inspection with the objective of verifying the allegations made against P. N. Vijay financial services Pvt. Ltd. by Brig. R. S. Anand (retd.). Pursuant to the inspection, enquiry proceedings have been initiated against the applicant, P. N. Vijay Financial Services Ltd. (PNV). SEBI vide its Enquiry Notice ref. no. EAD/BS/91898/2007 dated April 24, 2007 has alleged that the applicant has violated the provisions of Rule 3 and 4(c) of SEBI (Portfolio Manager) Rules, 1993 read with Regulation 3 and 9A (1) (C) of SEBI (Portfolio Managers) (Second Amendment) Regulations, 2006, Regulation 14(1)(b)(ii), 14(1)(b)(iii), 14(1)(b)(xii), 14(2), 15(4), 15(6), 16(1)(a), 16(2), 16(3), 16(4) and 20(2) of SEBI (Portfolio Managers) Regulations 1993, Clause 1, 2, 3 and 12(a) of Code of Conduct of Portfolio Managers Prescribed in terms of Regulations 13 of SEBI (Portfolio Manager) Regulations, 1993, SEBI Circular SEBI/RPM/Circular No. 3 (2002-2003) dated February 5, 2003. The said proceedings are pending with SEBI.</div> |  |
| <div>2. The applicant made an application dated June 18, 2007 and an affidavit of "undertakings and waivers" in the matter in terms of SEBI Circular No. EFD/Cir.-1/2007 dated 20.06.2007. Pursuant to the said application, applicant vide letter dated July 31, 2007 has proposed revised consent terms submitting that "We propose to offer Rs. 5,00,000/- (Rupees Five Lakhs only) towards consent terms in the matter." The revised terms as proposed by the applicant have been placed before the High Powered Advisory Committee and HPAC after deliberation recommended the case for settlement on the consent terms proposed by the applicant.</div>  |  |
| <div>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 fact or conclusion of law, applicant has remitted a sum of Rs. 5,00,000/- (Rupees Five Lakhs only), vide Demand Draft No. 814440 dated October 15, 2007 drawn on ICICI Bank Ltd. Mumbai, towards the terms of consent in the matter.</div>   |  |
| <div>4. In view of the above, it is hereby ordered that:<div><div>i) this consent order disposes of the said enquiry proceedings pending before SEBI against the applicant in the matter of P. N. Vijay Financial Services Ltd., and</div><div>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</div><div>a. any representations made by the applicant in the consent proceedings are subsequently discovered to be untrue.</div></div><div>b. the applicant has breached any of the clauses / conditions of undertakings / waivers filed during the current consent proceedings with SEBI.</div><div>This consent order is passed on this the 20<sup>th</sup> of November, 2007 and shall come into force with immediate effect.</div></div>   |  |
| <div>G. Anantharaman</div> <div>Whole Time Member</div>  | <div>T. C. Nair</div> <div>Whole Time Member</div> |

