

BEFORE THE SECURITIES AND EXCHANGE BOARD OF INDIA

SETTLEMENT ORDER

On Application nos. 3209/2017 and 3342/2017

Filed by **Mr. Kamal Kumar Kothari [PAN: AKYPK8782D]** in the matter of **Le Waterina Resorts and Hotels Limited**

1. Mr. Kamal Kothari (hereinafter referred to as ‘applicant’) filed an application in terms of the SEBI (Settlement of Administrative and Civil Proceedings) Regulations, 2014 (‘Settlement Regulations’), proposing to settle, through a settlement order, the proceedings pending against him under Section 11(1), 11(4) and 11B of the SEBI Act, 1992 initiated vide Show Cause Notice dated January 09, 2017, for the alleged violation of the provisions of Section 12A(a), (b) and (c) of the SEBI Act, 1992 read with Regulations 3(a),(b),(c),(d), 4(1) and 4(2)(a),(d) and (g) of the SEBI (Prohibition of Fraudulent and Unfair Trade Practices Relating to Securities Market) Regulations, 2003 (‘PFUTP Regulations’).
2. The authorised representatives of the applicant had a meeting with the Internal Committee of SEBI on July 27, 2017, wherein they were apprised of Adjudication proceedings pending for the same cause of action. Subsequently, the applicant filed another application for settlement of adjudication proceedings, for the alleged violation of the provisions of Section 12A(a), (b) and (c) of the SEBI Act, 1992 read with Regulations 3(a),(b),(c),(d), 4(1) and 4(2)(a),(d) and (g) of the PFUTP Regulations initiated vide Show Cause Notice dated September 28, 2017.
3. The authorized representative of the applicant had another meeting with the Internal Committee on January 11, 2018 and vide letter dated January 19, 2018, proposed the revised settlement terms to settle the defaults mentioned in paragraph 1 and 2, above.
4. The High Powered Advisory Committee (‘HPAC’) in its meetings held on February 26, 2018 considered the settlement terms proposed by the applicant and recommended the case for settlement upon payment of ₹50,09,687/- (Rupees Fifty Lakh Nine Thousand Six Hundred Eighty Seven only) by the applicant towards settlement terms for the

aforementioned defaults. The Panel of Whole Time Members of SEBI accepted the said recommendation of the HPAC and the same was communicated to the applicant vide e-mail dated March 14, 2018.

5. The applicant vide Demand Draft no. 064499 dated March 23, 2018, drawn on HDFC Bank has remitted ₹50,09,687/- (Rupees Fifty Lakh Nine Thousand Six Hundred Eighty Seven only) towards the settlement charges.
6. Accordingly, the proceedings under Section 11(1), 11(4) and 11B of the SEBI Act, 1992 and Adjudication proceedings for the defaults as discussed in paragraph 1 and 2 above, are settled *qua* the applicant as per the above terms by way of this order and SEBI shall not initiate any enforcement action against the applicant for the said defaults.
7. In view of the above, in terms of regulations 15 and 19 of the Settlement Regulations, it is hereby ordered that:
 - i. this order disposes of the proceedings under Section 11(1), 11(4) and 11B of the SEBI Act, 1992 and Adjudication proceedings in respect of the applicant as mentioned above and;
 - ii. passing of this order is without prejudice to the right of SEBI to take enforcement actions including commencing proceedings against the applicant, if SEBI finds that:
 - a. any representation made by the applicant in the present settlement proceedings is subsequently discovered to be untrue;
 - b. the applicant has breached any of the clauses/ conditions of undertakings/ waivers filed during the present settlement proceedings.
8. This settlement order is passed on this 28th day of March, 2018 and shall come into force with immediate effect.
9. In terms of regulation 17 of the Settlement Regulations, a copy of this order shall be sent to the applicant and shall also be published on the website of SEBI.

-Sd-

G. MAHALINGAM
WHOLE TIME MEMBER

-Sd-

MADHABI PURI BUCH
WHOLE TIME MEMBER