

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

On the Application submitted by
M/s. Park Continental Limited.
(PAN: AABCP9174A)

CO/IVD/1-2010/AO/SBM/SRO/ 188 /2010

1. The Securities and Exchange Board of India (hereinafter referred to as '**SEBI**') had initiated adjudication proceedings against M/s. Park Continental Ltd. (hereinafter referred to as '**the Noticee**') to inquire into and adjudge under section 15 I read with section 15 A (a) of the SEBI Act, 1992 for the alleged failure on the part of the Noticee to submit the details / information to SEBI in respect of the summons issued to them under the provisions of SEBI Act regarding their dealings in the scrip of Peacock Industries Limited (hereinafter PIL) during the period August 23, 2000 to September 26, 2000.
2. During the course of investigations into alleged price manipulation in the scrip of PIL, it was alleged that the Noticee had traded substantially in the scrip during the aforementioned period thereby causing abnormal movement in the scrip price. The Noticee failed to submit the details / information sought from it by SEBI thereby hampering the progress of the investigation. It was therefore alleged that the Noticee had failed to comply with the provisions of the summons issued under the SEBI Act, 1992.
3. The undersigned was appointed as Adjudicating Officer (AO) vide Order dated January 6, 2005 to inquire into and adjudge under section 15 I read with section 15 A (a) of the Securities and Exchange Board of India Act, 1992 (hereinafter referred to as '**SEBI Act**') in respect of the aforesaid violation committed by the

Noticee. Consequently, a show cause notice (SCN) bearing ref no AO/5610/2010 dated January 12, 2010 was issued to the Noticee under the provisions of Rule 4 of SEBI (Procedure for Holding Inquiry and Imposing Penalties by Adjudicating Officer) Rules 1995.

4. While the adjudication proceedings were in progress, the Noticee made an application dated February 8, 2010 along with an affidavit of “undertakings and waivers” in terms of SEBI Circular No. EFD/ Cir.-1/2007 dated April 20, 2007 for settlement of the proceedings through Consent Order. Subsequently, the Noticee proposed revised consent terms vide letter dated May 7, 2010, without admitting or denying the guilt and subject to clauses of the undertakings and waivers, submitting that it is willing to pay a sum of Rs.1,00,000/- (Rupees one lakh only) towards settlement charges in the matter.
5. The revised consent terms as proposed by the Noticee was placed before the High Powered Advisory Committee (hereinafter referred to as ‘HPAC’) on July 01, 2010 and HPAC after deliberation recommended the case for settlement on the aforesaid revised consent terms proposed by the Noticee. The recommendations of HPAC were subsequently placed before the panel of Whole Time Members of SEBI.
6. The acceptance of consent proposal was communicated to the Noticee by SEBI vide communication dated August 20, 2010. In pursuance of the aforesaid consent terms, the Noticee has remitted a sum of Rs.1, 00,000/- (Rupees one lakh only), vide Cheque No. 277092 dated August 23, 2010 drawn on HDFC Bank , Fort, Mumbai, towards the terms of consent in the matter.
7. In view of above, it is hereby ordered that:
 - (i) this consent order disposes of the said proceedings pending against the Noticee under SEBI Act;

(ii) passing of this order is without prejudice to the rights 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.

8. This consent order is passed on September 17, 2010 and shall come into force with immediate effect.

SURESH.B.MENON
ADJUDICATING OFFICER