

CONSENT ORDER IN THE ADJUDICATION PROCEEDINGS AGAINST NIMISHA KADAKIA IN THE MATTER OF IRREGULARITIES RELATING TO INITIAL PUBLIC OFFERINGS.

1. Securities and Exchange Board of India (hereinafter referred to as “SEBI”) vide order dated May 25, 2006 initiated adjudication proceedings against Nimisha Kadakia (hereinafter referred to as “applicant”). I was appointed as Adjudicating Officer to inquire into and adjudge under Section 15 I read with Section 15 HA of the Securities and Exchange Board of India Act, 1992 (hereinafter referred to as “SEBI Act”), the violations alleged to have been committed by applicant.
2. In the investigation conducted by SEBI into the dealings in the shares issued through Initial Public offerings (IPOs) by certain companies, it was observed that many entities cornered / acquired shares in the various IPOs during the period 2003-2005 by making fictitious applications in the category reserved for retail investors using the medium of thousands of fictitious / benami applicants. The said key operators were being funded during the IPOs by certain financiers who provided money to the operators for making IPO applications in fictitious / benami names. It is alleged that the applicant acted as a financier to the Key Operators who had opened many demat accounts in fictitious and benami names and made large number of applications in the IPOs in the category of retail investors.
3. In response to the show cause notice A&E/BS/69486/2006 dated June 16, 2006 issued in the adjudication proceedings, the applicant made an application dated 16th June 2008 along with an affidavit of “undertakings / waivers” in the matter in terms of SEBI Circular no. EFD/Cir-1/2007 dated April 20, 2007. In the above application, the applicant proposed consent

terms where the applicant without admitting or denying guilt and subject to the clauses of the undertakings and the waivers proposed to offer Rupees Two Lakh Sixty Five Thousand Seven Hundred and Ninety (Rs. 2,65,790) towards consent terms and Rupees One Lakh Thirty Four Thousand Two Hundred and Ten (Rs. 1,34,210) towards settlement charges in respect of the consent application number 786 of 2008 made by the applicant in the matter. Further the applicant also undertook a voluntary ban of additional three months from dealing in the securities market.

4. The consent terms proposed by the applicant were placed before the High Powered Advisory Committee (hereinafter referred to as “HPAC”) and the HPAC, after deliberation, recommended the case for settlement on payment of Rupees Two Lakh Sixty Five Thousand Seven Hundred and Ninety (Rs. 2,65,790) towards consent terms and Rupees One Lakh Thirty Four Thousand Two Hundred and Ten (Rs. 1,34,210) as settlement charges and an additional ban of three months from dealing in the securities market.
5. 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 any finding of fact or conclusion of law, the applicant has remitted a sum of Rupees Four Lakh (Rs. 4,00,000) vide Demand Draft No. 223400 dated 31st July, 2008 drawn on HDFC Bank, Mumbai towards the terms of consent in the matter of proceedings before in respect of the present adjudication proceedings. This order is being issued in the adjudication proceedings initiated against the applicant vide show cause notice no. A&E/BS/69486/2006 dated June 16, 2006. In this regard it is noted that SEBI vide Order dated 12th August, 2008 disposed of the section 11B proceedings against applicants.

6. In view of the above, it is hereby ordered that:

- (i) this consent order disposes of the present adjudication proceedings initiated vide show cause notice no. A&E/BS/69486/2006 dated June 16, 2006 against the applicant.
- (ii) passing of this order is without prejudice to the right of SEBI to take enforcement action including commencing/reopening of the pending proceedings against the applicant, if SEBI finds that:
 - a. any representations made by the applicant in the consent proceedings are subsequently discovered to be untrue.
 - b. the applicant has breached any of the clauses / conditions of undertakings/waivers filed during the current consent proceedings.

7. This consent order is passed on this 14th day of August, 2008 and shall come into force with immediate effect.

Biju. S

Place: Mumbai

Adjudicating Officer