

.SECURITIES AND EXCHANGE BOARD OF INDIA.

ORDER

UNDER REGULATION 13(4) OF THE SEBI (PROCEDURE FOR HOLDING ENQUIRY BY ENQUIRY OFFICER AND IMPOSING PENALTY) REGULATIONS,2002 AGAINST M/S. SWADHA SECURITIES LIMITED, MEMBER – CALCUTTA STOCK EXCHANGE.

1.0 Background

1.1 M/s. Swadha Securities Limited (hereinafter referred to as “ the said broker “), is a member of the Calcutta Stock Exchange (hereinafter referred to as “CSE”) and is registered with the Securities and Exchange Board of India (hereinafter referred to as “SEBI”) vide Registration No.INB031141238.

1.2 The shares of Offshore Finvest Limited (hereinafter referred to as “OFL”) were listed on CSE. There was a major spurt in price and volumes traded at the CSE during the period July and October, 2001 (hereinafter referred to as “ the said period “) in the scrip of OFL. An investigation was conducted by SEBI and it was observed that :-

- i) Between July,2001 and October,2001, the price of the scrip OFL at CSE shot up from Rs.15.70 during settlement no.2002117 to Rs.50.95 in settlement no.2002121. The price increased to Rs.70.50 in settlement no.2002127 along with

increase in volumes also. The total volume of Offshore Finvest Ltd. traded at CSE between settlement nos.2002115 and 2002129 was 15,49,400 shares. Out of this 14,44,400 shares, constituting 93.22% of the volumes were traded through three members, including the said broker.

- ii) Investigations revealed that the said broker had traded in 10,64,400 shares of Offshore Finvest Ltd. between settlement no.2002123 and No.2002129 constituting 68.67% of the total volumes. It was further revealed that the entire volumes of transactions were executed by way of matching transactions by which the order quantity, price and time were matched with both buying and selling clients of the said broker. These cross deals were executed through the same terminal.

2.0 Enquiry proceedings :

- 2.1 On the basis of the above investigation, vide order dated 17th July,2003, SEBI appointed an Enquiry Officer to enquire into the irregularities / contraventions alleged to have been committed by the said broker while dealing in the scrip of OFL and for possible violations of the provisions of the SEBI (Stock Brokers and Sub-Brokers) Rules and Regulations,1992 (hereinafter referred to as “ the said Regulations “) and the SEBI (Prohibition of Fraudulent and Unfair Trade Practices Relating to Securities Market) Regulations, 1995 (hereinafter referred to as “ the PFUTP Regulations “).

2.2 The Enquiry Officer, after conducting the enquiry as per the procedure prescribed under the Securities and Exchange Board of India (Procedure for Holding Enquiry by Enquiry Officer and Imposing Penalty) Regulations,2002 (hereinafter referred to as “ the said Enquiry Regulations “) submitted a report dated 21st July, 2004 and recommended that a major penalty of suspension of certificate of registration for a period of six months against the said broker.

3.0 Show Cause Notice and Hearing :

3.1 A show cause notice dated 30th July,2004 was issued to the said broker along with a copy of the enquiry report, in terms of regulation 13(2) of the said Enquiry Regulations advising the said broker to show cause as to why appropriate penalty including the penalty as recommended by the Enquiry Officer should not be imposed on it.

3.2 The said broker in response to the said show cause notice dated 30th July,2004 submitted its reply vide letter dated 31st August,2004 wherein, inter alia, the broker submitted the following :-

- that it has no role whatsoever in the increase of the price of Offshore Finvest Ltd. from Rs.15.70 to 70.40.
- that it did not execute any trades when the price increase was maximum (from Rs.15.70 to Rs.50.95).

- that the price increase during the period of 32 working days (27th August,2001 to 12th October,2001) when the broker traded was from Rs.52/- to Rs.70.40. The average price increase per working day during that 32 working days is negligible (58 paisa).
- that it obtained 'Know Your Client' forms and 'Member-Client' agreement and allotted a unique code to each client before executing any trade. The broker also stated all the trades were done in the respective codes of clients only and none of the trades were done in 'Self Code'.
- that in case of transactions where buyers and sellers were its clients, delivery has been made to all the buyers of securities and deliveries were received from all the sellers of the securities through the broker's pool / beneficiary account.
- that since there was transfer of beneficial ownership for all trades done by the clients, it is baseless to charge it on the ground that purchase or sale of securities was done with an intention of not to effect transfer of beneficial ownership.

3.3 In the interest of natural justice, an opportunity of hearing was granted to the said broker on 8th November,2004. Mr.Naresh Kumar Jalan, Director of Swadha Securities Pvt.Ltd. appeared before me and reiterated his written submissions. The said broker denied that they ever influenced the market price of the shares through their trading mechanism and denied manipulation in the price of the scrip by them.

4.0 Consideration of Issues and Findings :

4.1 I have considered the facts of the case, the findings of the Enquiry Officer contained in the Report dated 21st July,2004, the show cause notice, the replies and the submissions of the said member during the hearing and other material on record. My findings are as under:-

I observe that between July,2001 and October,2001, the said broker along with other brokers of CSE generated maximum volumes in the scrip of OFL. In all, 15,49,400 shares of OFL were traded at CSE during the said period and the said broker had transacted 10,64,400 shares between Settlement Number 20002123 to 2002129 constituting 68.67% of the volumes at CSE. I observe that the entire volumes of transactions were executed by way of matching transactions by which the order quantity, price and time were matched with both buying and selling client belonging to the said broker. Those cross deals were executed through the same terminal. The details of such transactions by the said broker are as under :

OrderNo	Qty	Price	BuyOrSell	TradeDate	Trade time	MemberName
Settlement no2002123 (27/8/2001 – 31/8/2001)						
31606526	1000	52	B	27/08/2001	3:15:03 PM	SSPL
31606524	1000	52	S	27/08/2001	3:15:03 PM	SSPL
31606524	1000	52	S	27/08/2001	3:15:03 PM	SSPL
31606526	1000	52	B	27/08/2001	3:15:03 PM	SSPL
31606526	1000	52	B	27/08/2001	3:15:03 PM	SSPL
31606524	1000	52	S	27/08/2001	3:15:03 PM	SSPL

31606526	1000	52	B	27/08/2001	3:15:03 PM	SSPL
31606524	1000	52	S	27/08/2001	3:15:03 PM	SSPL
31606524	1000	52	S	27/08/2001	3:15:03 PM	SSPL
31606526	1000	52	B	27/08/2001	3:15:03 PM	SSPL
31606530	1200	56	B	27/08/2001	3:16:35 PM	SSPL
31606528	1200	56	S	27/08/2001	3:16:35 PM	SSPL
31606530	1200	56	B	27/08/2001	3:16:35 PM	SSPL
31606528	1200	56	S	27/08/2001	3:16:35 PM	SSPL
31606528	1200	56	S	27/08/2001	3:16:35 PM	SSPL
31606530	1200	56	B	27/08/2001	3:16:35 PM	SSPL
31606530	1200	56	B	27/08/2001	3:16:35 PM	SSPL
31606528	1200	56	S	27/08/2001	3:16:35 PM	SSPL
31606530	200	56	B	27/08/2001	3:16:35 PM	SSPL
31606528	200	56	S	27/08/2001	3:16:35 PM	SSPL
31606538	1000	60.8	S	27/08/2001	3:19:24 PM	SSPL
31606540	1000	60.8	B	27/08/2001	3:19:24 PM	SSPL
31606541	300	60.8	B	27/08/2001	3:19:32 PM	SSPL
31606538	300	60.8	S	27/08/2001	3:19:32 PM	SSPL
31606541	700	60.8	B	27/08/2001	3:19:32 PM	SSPL
31606538	700	60.8	S	27/08/2001	3:19:32 PM	SSPL
31606538	600	60.8	S	27/08/2001	3:19:54 PM	SSPL
31606542	600	60.8	B	27/08/2001	3:19:54 PM	SSPL
31606542	400	60.8	B	27/08/2001	3:19:54 PM	SSPL
31606538	400	60.8	S	27/08/2001	3:19:54 PM	SSPL
31606544	900	60.8	B	27/08/2001	3:20:07 PM	SSPL
31606538	900	60.8	S	27/08/2001	3:20:07 PM	SSPL
31606538	100	60.8	S	27/08/2001	3:20:07 PM	SSPL
31606544	100	60.8	B	27/08/2001	3:20:07 PM	SSPL
31606545	1000	60.8	B	27/08/2001	3:20:45 PM	SSPL
31606538	1000	60.8	S	27/08/2001	3:20:45 PM	SSPL
61434231	500	64.4	B	28/08/2001	12:22:21 PM	SSPL
61434229	500	64.4	S	28/08/2001	12:22:21 PM	SSPL
61434229	500	64.4	S	28/08/2001	12:22:21 PM	SSPL
61434231	500	64.4	B	28/08/2001	12:22:21 PM	SSPL
61434231	500	64.4	B	28/08/2001	12:22:21 PM	SSPL
61434229	500	64.4	S	28/08/2001	12:22:21 PM	SSPL
61434231	500	64.4	B	28/08/2001	12:22:21 PM	SSPL
61434229	500	64.4	S	28/08/2001	12:22:21 PM	SSPL
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61434233	500	64.4	B	28/08/2001	12:22:57 PM	SSPL
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[illegible]

[illegible]

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151422546	1000	69.4	S	29/08/2001	12:50:15 PM	SSPL
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121105215	100	69.2	B	30/08/2001	12:28:17 PM	SSPL

121105220	600	69.3	B	30/08/2001	12:29:34 PM	SSPL
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Settlement no 2002124 (3/9/2001 – 7/9/2001)						
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151426085	1200	70.4	S	3/9/2001	1:47:50 PM	SSPL
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151426091	200	70.4	B	3/9/2001	1:48:32 PM	SSPL
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151426091	600	70.4	B	3/9/2001	1:48:32 PM	SSPL
151426090	600	70.4	S	3/9/2001	1:48:32 PM	SSPL
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151426091	600	70.4	B	3/9/2001	1:48:32 PM	SSPL
151427400	1300	70.2	B	4/9/2001	1:07:12 PM	SSPL
151427399	1300	70.2	S	4/9/2001	1:07:12 PM	SSPL
151427400	200	70.2	B	4/9/2001	1:07:12 PM	SSPL
151427399	200	70.2	S	4/9/2001	1:07:12 PM	SSPL
151427399	1100	70.2	S	4/9/2001	1:07:12 PM	SSPL
151427400	1100	70.2	B	4/9/2001	1:07:12 PM	SSPL
151427400	400	70.2	B	4/9/2001	1:07:12 PM	SSPL
151427399	400	70.2	S	4/9/2001	1:07:12 PM	SSPL
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151427399	600	70.2	S	4/9/2001	1:07:12 PM	SSPL
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91362750	400	70.3	S	5/9/2001	1:08:45 PM	SSPL
91362750	1700	70.3	S	5/9/2001	1:08:45 PM	SSPL
91362752	1700	70.3	B	5/9/2001	1:08:45 PM	SSPL
91362752	800	70.3	B	5/9/2001	1:08:45 PM	SSPL
91362750	800	70.3	S	5/9/2001	1:08:45 PM	SSPL
91362752	1300	70.3	B	5/9/2001	1:08:45 PM	SSPL
91362750	1300	70.3	S	5/9/2001	1:08:45 PM	SSPL
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91362752	1200	70.3	B	5/9/2001	1:08:45 PM	SSPL
91362752	900	70.3	B	5/9/2001	1:08:45 PM	SSPL
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91362915	400	70.2	S	5/9/2001	2:40:10 PM	SSPL
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91363438	2300	70.4	S	6/9/2001	12:23:52 PM	SSPL
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121113242	200	70.1	B	12/9/2001	1:26:15 PM	SSPL
121113240	200	70.1	S	12/9/2001	1:26:15 PM	SSPL
121113242	1800	70.1	B	12/9/2001	1:26:15 PM	SSPL
121113240	1800	70.1	S	12/9/2001	1:26:15 PM	SSPL
121113240	400	70.1	S	12/9/2001	1:26:15 PM	SSPL
121113242	400	70.1	B	12/9/2001	1:26:15 PM	SSPL
121113242	1600	70.1	B	12/9/2001	1:26:15 PM	SSPL

121113240	1600	70.1	S	12/9/2001	1:26:15 PM	SSPL
121113242	600	70.1	B	12/9/2001	1:26:15 PM	SSPL
121113240	600	70.1	S	12/9/2001	1:26:15 PM	SSPL
121113240	1400	70.1	S	12/9/2001	1:26:15 PM	SSPL
121113242	1400	70.1	B	12/9/2001	1:26:15 PM	SSPL
121113242	800	70.1	B	12/9/2001	1:26:15 PM	SSPL
121113240	800	70.1	S	12/9/2001	1:26:15 PM	SSPL
121113242	1200	70.1	B	12/9/2001	1:26:15 PM	SSPL
121113240	1200	70.1	S	12/9/2001	1:26:15 PM	SSPL
121113245	2100	70.2	S	12/9/2001	1:27:01 PM	SSPL
121113249	2100	70.2	B	12/9/2001	1:27:01 PM	SSPL
121113249	200	70.2	B	12/9/2001	1:27:01 PM	SSPL
121113245	200	70.2	S	12/9/2001	1:27:01 PM	SSPL
121113249	1900	70.2	B	12/9/2001	1:27:01 PM	SSPL
121113245	1900	70.2	S	12/9/2001	1:27:01 PM	SSPL
121113245	400	70.2	S	12/9/2001	1:27:01 PM	SSPL
121113249	400	70.2	B	12/9/2001	1:27:01 PM	SSPL
121113249	1700	70.2	B	12/9/2001	1:27:01 PM	SSPL
121113245	1700	70.2	S	12/9/2001	1:27:01 PM	SSPL
121113249	600	70.2	B	12/9/2001	1:27:01 PM	SSPL
121113245	600	70.2	S	12/9/2001	1:27:01 PM	SSPL
121113245	1500	70.2	S	12/9/2001	1:27:01 PM	SSPL
121113249	1500	70.2	B	12/9/2001	1:27:01 PM	SSPL
121113249	800	70.2	B	12/9/2001	1:27:01 PM	SSPL
121113245	800	70.2	S	12/9/2001	1:27:01 PM	SSPL
121113249	800	70.2	B	12/9/2001	1:27:01 PM	SSPL
121113245	800	70.2	S	12/9/2001	1:27:01 PM	SSPL
121113255	1000	70.4	S	12/9/2001	1:27:59 PM	SSPL
121113257	1000	70.4	B	12/9/2001	1:27:59 PM	SSPL
121113257	100	70.4	B	12/9/2001	1:27:59 PM	SSPL
121113255	100	70.4	S	12/9/2001	1:27:59 PM	SSPL
121113257	900	70.4	B	12/9/2001	1:27:59 PM	SSPL
121113255	900	70.4	S	12/9/2001	1:27:59 PM	SSPL
121113255	200	70.4	S	12/9/2001	1:27:59 PM	SSPL
121113257	200	70.4	B	12/9/2001	1:27:59 PM	SSPL
121113257	800	70.4	B	12/9/2001	1:27:59 PM	SSPL
121113255	800	70.4	S	12/9/2001	1:27:59 PM	SSPL
121113257	300	70.4	B	12/9/2001	1:27:59 PM	SSPL
121113255	300	70.4	S	12/9/2001	1:27:59 PM	SSPL
121113255	700	70.4	S	12/9/2001	1:27:59 PM	SSPL
121113257	700	70.4	B	12/9/2001	1:27:59 PM	SSPL
121113257	400	70.4	B	12/9/2001	1:27:59 PM	SSPL
121113255	400	70.4	S	12/9/2001	1:27:59 PM	SSPL
121113257	600	70.4	B	12/9/2001	1:27:59 PM	SSPL
121113255	600	70.4	S	12/9/2001	1:27:59 PM	SSPL
121113873	2000	70.2	B	13/09/2001	11:47:25 AM	SSPL
121113873	2000	70.2	B	13/09/2001	11:47:25 AM	SSPL
121113873	2000	70.2	B	13/09/2001	11:47:25 AM	SSPL

121113873	2000	70.2	B	13/09/2001	11:47:25 AM	SSPL
121113873	2000	70.2	B	13/09/2001	11:47:25 AM	SSPL
121113906	2300	70.3	B	13/09/2001	12:03:46 PM	SSPL
121113905	2300	70.3	S	13/09/2001	12:03:46 PM	SSPL
121113905	400	70.3	S	13/09/2001	12:03:46 PM	SSPL
121113906	400	70.3	B	13/09/2001	12:03:46 PM	SSPL
121113906	1900	70.3	B	13/09/2001	12:03:46 PM	SSPL
121113905	1900	70.3	S	13/09/2001	12:03:46 PM	SSPL
121113906	800	70.3	B	13/09/2001	12:03:46 PM	SSPL
121113905	800	70.3	S	13/09/2001	12:03:46 PM	SSPL
121113905	1500	70.3	S	13/09/2001	12:03:46 PM	SSPL
121113906	1500	70.3	B	13/09/2001	12:03:46 PM	SSPL
121113906	1200	70.3	B	13/09/2001	12:03:46 PM	SSPL
121113905	1200	70.3	S	13/09/2001	12:03:46 PM	SSPL
121113906	1100	70.3	B	13/09/2001	12:03:46 PM	SSPL
121113905	1100	70.3	S	13/09/2001	12:03:46 PM	SSPL
121113905	800	70.3	S	13/09/2001	12:03:46 PM	SSPL
121113906	800	70.3	B	13/09/2001	12:03:46 PM	SSPL
121113909	2100	70.4	B	13/09/2001	12:04:42 PM	SSPL
121113908	2100	70.4	S	13/09/2001	12:04:42 PM	SSPL
121113909	400	70.4	B	13/09/2001	12:04:42 PM	SSPL
121113908	400	70.4	S	13/09/2001	12:04:42 PM	SSPL
121113908	1700	70.4	S	13/09/2001	12:04:42 PM	SSPL
121113909	1700	70.4	B	13/09/2001	12:04:42 PM	SSPL
121113909	800	70.4	B	13/09/2001	12:04:42 PM	SSPL
121113908	800	70.4	S	13/09/2001	12:04:42 PM	SSPL
121113909	1300	70.4	B	13/09/2001	12:04:42 PM	SSPL
121113908	1300	70.4	S	13/09/2001	12:04:42 PM	SSPL
121113908	1200	70.4	S	13/09/2001	12:04:42 PM	SSPL
121113909	1200	70.4	B	13/09/2001	12:04:42 PM	SSPL
121113909	900	70.4	B	13/09/2001	12:04:42 PM	SSPL
121113908	900	70.4	S	13/09/2001	12:04:42 PM	SSPL
121113909	1600	70.4	B	13/09/2001	12:04:42 PM	SSPL
121113908	1600	70.4	S	13/09/2001	12:04:42 PM	SSPL
91369216	5000	70.4	S	14/09/2001	1:24:41 PM	SSPL
91369218	5000	70.4	B	14/09/2001	1:24:41 PM	SSPL
Settlement No. 2002126 (17/9/2001 – 21/9/2001)						
91370161	1000	70.2	B	17/09/2001	12:08:43 PM	SSPL
31634618	1000	70.2	S	17/09/2001	12:08:43 PM	SSPL
91370161	1000	70.2	B	17/09/2001	12:08:43 PM	SSPL
31634618	1000	70.2	S	17/09/2001	12:08:43 PM	SSPL
31634618	1000	70.2	S	17/09/2001	12:08:43 PM	SSPL
91370161	1000	70.2	B	17/09/2001	12:08:43 PM	SSPL
91370161	1000	70.2	B	17/09/2001	12:08:43 PM	SSPL
31634618	1000	70.2	S	17/09/2001	12:08:43 PM	SSPL
91370161	1000	70.2	B	17/09/2001	12:08:43 PM	SSPL
31634618	1000	70.2	S	17/09/2001	12:08:43 PM	SSPL
210892780	2000	70.2	S	18/09/2001	1:09:18 PM	SSPL

210892785	2000	70.2	B	18/09/2001	1:09:18 PM	SSPL
210892785	500	70.2	B	18/09/2001	1:09:18 PM	SSPL
210892780	500	70.2	S	18/09/2001	1:09:18 PM	SSPL
210892785	1500	70.2	B	18/09/2001	1:09:18 PM	SSPL
210892780	1500	70.2	S	18/09/2001	1:09:18 PM	SSPL
210892780	1000	70.2	S	18/09/2001	1:09:18 PM	SSPL
210892785	1000	70.2	B	18/09/2001	1:09:18 PM	SSPL
210892785	1000	70.2	B	18/09/2001	1:09:18 PM	SSPL
210892780	1000	70.2	S	18/09/2001	1:09:18 PM	SSPL
210892785	1500	70.2	B	18/09/2001	1:09:18 PM	SSPL
210892780	1500	70.2	S	18/09/2001	1:09:18 PM	SSPL
210892780	500	70.2	S	18/09/2001	1:09:18 PM	SSPL
210892785	500	70.2	B	18/09/2001	1:09:18 PM	SSPL
210892785	2000	70.2	B	18/09/2001	1:09:18 PM	SSPL
210892780	2000	70.2	S	18/09/2001	1:09:18 PM	SSPL
210892804	2000	70.2	B	18/09/2001	1:11:43 PM	SSPL
210892800	2000	70.2	S	18/09/2001	1:11:43 PM	SSPL
210892800	500	70.2	S	18/09/2001	1:11:43 PM	SSPL
210892804	500	70.2	B	18/09/2001	1:11:43 PM	SSPL
210892804	1500	70.2	B	18/09/2001	1:11:43 PM	SSPL
210892800	1500	70.2	S	18/09/2001	1:11:43 PM	SSPL
210892804	1000	70.2	B	18/09/2001	1:11:43 PM	SSPL
210892800	1000	70.2	S	18/09/2001	1:11:43 PM	SSPL
210892800	1000	70.2	S	18/09/2001	1:11:43 PM	SSPL
210892804	1000	70.2	B	18/09/2001	1:11:43 PM	SSPL
210892804	1500	70.2	B	18/09/2001	1:11:43 PM	SSPL
210892800	1500	70.2	S	18/09/2001	1:11:43 PM	SSPL
210892804	500	70.2	B	18/09/2001	1:11:43 PM	SSPL
210892800	500	70.2	S	18/09/2001	1:11:43 PM	SSPL
210892800	2000	70.2	S	18/09/2001	1:11:43 PM	SSPL
210892804	2000	70.2	B	18/09/2001	1:11:43 PM	SSPL
181170855	2000	70	B	21/09/2001	12:26:59 PM	SSPL
181170853	2000	70	S	21/09/2001	12:26:59 PM	SSPL
181170855	100	70	B	21/09/2001	12:26:59 PM	SSPL
181170853	100	70	S	21/09/2001	12:26:59 PM	SSPL
181170853	1900	70	S	21/09/2001	12:26:59 PM	SSPL
181170855	1900	70	B	21/09/2001	12:26:59 PM	SSPL
181170855	200	70	B	21/09/2001	12:26:59 PM	SSPL
181170853	200	70	S	21/09/2001	12:26:59 PM	SSPL
181170855	1800	70	B	21/09/2001	12:26:59 PM	SSPL
181170853	1800	70	S	21/09/2001	12:26:59 PM	SSPL
181170853	300	70	S	21/09/2001	12:26:59 PM	SSPL
181170855	300	70	B	21/09/2001	12:26:59 PM	SSPL
181170855	1700	70	B	21/09/2001	12:26:59 PM	SSPL
181170853	1700	70	S	21/09/2001	12:26:59 PM	SSPL
181170855	400	70	B	21/09/2001	12:26:59 PM	SSPL
181170853	400	70	S	21/09/2001	12:26:59 PM	SSPL
181170853	1600	70	S	21/09/2001	12:26:59 PM	SSPL

181170855	1600	70	B	21/09/2001	12:26:59 PM	SSPL
Settlement No 2002127 (24/9/2001 – 28/9/2001)						
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121125616	100	70.2	B	24/09/2001	12:00:26 PM	SSPL
121125614	100	70.2	S	24/09/2001	12:00:26 PM	SSPL
121125614	2000	70.2	S	24/09/2001	12:00:26 PM	SSPL
121125616	2000	70.2	B	24/09/2001	12:00:26 PM	SSPL
121125616	200	70.2	B	24/09/2001	12:00:26 PM	SSPL
121125614	200	70.2	S	24/09/2001	12:00:26 PM	SSPL
121125616	1900	70.2	B	24/09/2001	12:00:26 PM	SSPL
121125614	1900	70.2	S	24/09/2001	12:00:26 PM	SSPL
121125614	300	70.2	S	24/09/2001	12:00:26 PM	SSPL
121125616	300	70.2	B	24/09/2001	12:00:26 PM	SSPL
121125616	1800	70.2	B	24/09/2001	12:00:26 PM	SSPL
121125614	1800	70.2	S	24/09/2001	12:00:26 PM	SSPL
121125616	400	70.2	B	24/09/2001	12:00:26 PM	SSPL
121125614	400	70.2	S	24/09/2001	12:00:26 PM	SSPL
121125614	1200	70.2	S	24/09/2001	12:00:26 PM	SSPL
121125616	1200	70.2	B	24/09/2001	12:00:26 PM	SSPL
31660589	2100	70.3	B	25/09/2001	2:53:15 PM	SSPL
31660584	2100	70.3	S	25/09/2001	2:53:15 PM	SSPL
31660589	200	70.3	B	25/09/2001	2:53:15 PM	SSPL
31660584	200	70.3	S	25/09/2001	2:53:15 PM	SSPL
31660584	1900	70.3	S	25/09/2001	2:53:15 PM	SSPL
31660589	1900	70.3	B	25/09/2001	2:53:15 PM	SSPL
31660589	400	70.3	B	25/09/2001	2:53:15 PM	SSPL
31660584	400	70.3	S	25/09/2001	2:53:15 PM	SSPL
31660589	1700	70.3	B	25/09/2001	2:53:15 PM	SSPL
31660584	1700	70.3	S	25/09/2001	2:53:15 PM	SSPL
31660584	600	70.3	S	25/09/2001	2:53:15 PM	SSPL
31660589	600	70.3	B	25/09/2001	2:53:15 PM	SSPL
31660589	1500	70.3	B	25/09/2001	2:53:15 PM	SSPL
31660584	1500	70.3	S	25/09/2001	2:53:15 PM	SSPL
31660589	800	70.3	B	25/09/2001	2:53:15 PM	SSPL
31660584	800	70.3	S	25/09/2001	2:53:15 PM	SSPL
31660584	800	70.3	S	25/09/2001	2:53:15 PM	SSPL
31660589	800	70.3	B	25/09/2001	2:53:15 PM	SSPL
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181181330	2200	70.3	S	26/09/2001	11:38:17 AM	SSPL
181181335	100	70.3	B	26/09/2001	11:38:17 AM	SSPL
181181330	100	70.3	S	26/09/2001	11:38:17 AM	SSPL
181181330	2100	70.3	S	26/09/2001	11:38:17 AM	SSPL
181181335	2100	70.3	B	26/09/2001	11:38:17 AM	SSPL
181181335	200	70.3	B	26/09/2001	11:38:17 AM	SSPL
181181330	200	70.3	S	26/09/2001	11:38:17 AM	SSPL
181181335	2000	70.3	B	26/09/2001	11:38:17 AM	SSPL
181181330	2000	70.3	S	26/09/2001	11:38:17 AM	SSPL

181181330	300	70.3	S	26/09/2001	11:38:17 AM	SSPL
181181335	300	70.3	B	26/09/2001	11:38:17 AM	SSPL
181181335	1900	70.3	B	26/09/2001	11:38:17 AM	SSPL
181181330	1900	70.3	S	26/09/2001	11:38:17 AM	SSPL
181181335	400	70.3	B	26/09/2001	11:38:17 AM	SSPL
181181330	400	70.3	S	26/09/2001	11:38:17 AM	SSPL
181181330	800	70.3	S	26/09/2001	11:38:17 AM	SSPL
181181335	800	70.3	B	26/09/2001	11:38:17 AM	SSPL
181181336	2000	70.4	B	26/09/2001	11:38:43 AM	SSPL
181181333	2000	70.4	S	26/09/2001	11:38:43 AM	SSPL
181181336	100	70.4	B	26/09/2001	11:38:43 AM	SSPL
181181333	100	70.4	S	26/09/2001	11:38:43 AM	SSPL
181181333	1900	70.4	S	26/09/2001	11:38:43 AM	SSPL
181181336	1900	70.4	B	26/09/2001	11:38:43 AM	SSPL
181181336	200	70.4	B	26/09/2001	11:38:43 AM	SSPL
181181333	200	70.4	S	26/09/2001	11:38:43 AM	SSPL
181181336	1800	70.4	B	26/09/2001	11:38:43 AM	SSPL
181181333	1800	70.4	S	26/09/2001	11:38:43 AM	SSPL
181181333	300	70.4	S	26/09/2001	11:38:43 AM	SSPL
181181336	300	70.4	B	26/09/2001	11:38:43 AM	SSPL
181181336	1700	70.4	B	26/09/2001	11:38:43 AM	SSPL
181181333	1700	70.4	S	26/09/2001	11:38:43 AM	SSPL
181181336	400	70.4	B	26/09/2001	11:38:43 AM	SSPL
181181333	400	70.4	S	26/09/2001	11:38:43 AM	SSPL
181181333	1600	70.4	S	26/09/2001	11:38:43 AM	SSPL
181181336	1600	70.4	B	26/09/2001	11:38:43 AM	SSPL
181184614	10000	70.1	B	27/09/2001	11:28:00 AM	SSPL
181184928	2000	70.3	B	27/09/2001	12:15:11 PM	SSPL
181184927	2000	70.3	S	27/09/2001	12:15:11 PM	SSPL
181184928	500	70.3	B	27/09/2001	12:15:11 PM	SSPL
181184927	500	70.3	S	27/09/2001	12:15:11 PM	SSPL
181184927	1500	70.3	S	27/09/2001	12:15:11 PM	SSPL
181184928	1500	70.3	B	27/09/2001	12:15:11 PM	SSPL
181184928	1000	70.3	B	27/09/2001	12:15:11 PM	SSPL
181184927	1000	70.3	S	27/09/2001	12:15:11 PM	SSPL
181184928	1000	70.3	B	27/09/2001	12:15:11 PM	SSPL
181184927	1000	70.3	S	27/09/2001	12:15:11 PM	SSPL
181184927	1500	70.3	S	27/09/2001	12:15:11 PM	SSPL
181184928	1500	70.3	B	27/09/2001	12:15:11 PM	SSPL
181184928	500	70.3	B	27/09/2001	12:15:11 PM	SSPL
181184927	500	70.3	S	27/09/2001	12:15:11 PM	SSPL
181184928	2000	70.3	B	27/09/2001	12:15:11 PM	SSPL
181184927	2000	70.3	S	27/09/2001	12:15:11 PM	SSPL
181184936	2000	70.5	S	27/09/2001	12:16:13 PM	SSPL
181184938	2000	70.5	B	27/09/2001	12:16:13 PM	SSPL
181184938	2000	70.5	B	27/09/2001	12:16:13 PM	SSPL
181184936	2000	70.5	S	27/09/2001	12:16:13 PM	SSPL
181184938	2000	70.5	B	27/09/2001	12:16:13 PM	SSPL

181184936	2000	70.5	S	27/09/2001	12:16:13 PM	SSPL
181184936	2000	70.5	S	27/09/2001	12:16:13 PM	SSPL
181184938	2000	70.5	B	27/09/2001	12:16:13 PM	SSPL
181184938	2000	70.5	B	27/09/2001	12:16:13 PM	SSPL
181184936	2000	70.5	S	27/09/2001	12:16:13 PM	SSPL
181184946	2400	70.9	B	27/09/2001	12:16:48 PM	SSPL
181184943	2400	70.9	S	27/09/2001	12:16:48 PM	SSPL
181184943	600	70.9	S	27/09/2001	12:16:48 PM	SSPL
181184946	600	70.9	B	27/09/2001	12:16:48 PM	SSPL
181184946	1800	70.9	B	27/09/2001	12:16:48 PM	SSPL
181184943	1800	70.9	S	27/09/2001	12:16:48 PM	SSPL
181184946	1200	70.9	B	27/09/2001	12:16:48 PM	SSPL
181184943	1200	70.9	S	27/09/2001	12:16:48 PM	SSPL
181184943	1200	70.9	S	27/09/2001	12:16:48 PM	SSPL
181184946	1200	70.9	B	27/09/2001	12:16:48 PM	SSPL
181184946	1800	70.9	B	27/09/2001	12:16:48 PM	SSPL
181184943	1800	70.9	S	27/09/2001	12:16:48 PM	SSPL
181184946	600	70.9	B	27/09/2001	12:16:48 PM	SSPL
181184943	600	70.9	S	27/09/2001	12:16:48 PM	SSPL
181184943	400	70.9	S	27/09/2001	12:16:48 PM	SSPL
181184946	400	70.9	B	27/09/2001	12:16:48 PM	SSPL
181190251	2000	70.9	B	28/09/2001	1:05:35 PM	SSPL
181190247	2000	70.9	S	28/09/2001	1:05:35 PM	SSPL
181190247	100	70.9	S	28/09/2001	1:05:35 PM	SSPL
181190251	100	70.9	B	28/09/2001	1:05:35 PM	SSPL
181190251	1900	70.9	B	28/09/2001	1:05:35 PM	SSPL
181190247	1900	70.9	S	28/09/2001	1:05:35 PM	SSPL
181190251	200	70.9	B	28/09/2001	1:05:35 PM	SSPL
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Settlement No. 2002128 (1/10/2001 – 5/10/2001)						
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121140158	200	70.6	B	3/10/2001	1:37:03 PM	SSPL
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Settlement No. 2002129 (8/10/2001 – 12/10/2001)						
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181212832	1200	70.3	S	10/10/2001	12:50:01 PM	SSPL
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181212832	1200	70.3	S	10/10/2001	12:50:01 PM	SSPL
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151496236	900	70.5	B	11/10/2001	1:23:25 PM	SSPL
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151496234	900	70.5	S	11/10/2001	1:23:25 PM	SSPL
151496234	400	70.5	S	11/10/2001	1:23:25 PM	SSPL
151496236	400	70.5	B	11/10/2001	1:23:25 PM	SSPL
121151795	2100	70.5	B	12/10/2001	1:41:16 PM	SSPL
121151795	2100	70.5	B	12/10/2001	1:41:16 PM	SSPL
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121151999	300	70.4	B	12/10/2001	2:13:10 PM	SSPL
121151994	300	70.4	S	12/10/2001	2:13:10 PM	SSPL
121151994	900	70.4	S	12/10/2001	2:13:10 PM	SSPL
121151999	900	70.4	B	12/10/2001	2:13:10 PM	SSPL
121151999	200	70.4	B	12/10/2001	2:13:10 PM	SSPL
121151994	200	70.4	S	12/10/2001	2:13:10 PM	SSPL

4.2 I observe that the above transactions were cross deals wherein both the buyer and the seller were of the said broker. The orders were also executed through the same terminal. The ordered quantity, price and time were matched and there was no delivery obligation to the Exchange. From the above table, I find that the said broker had transacted in the scrip by way of matching cross deals from 27.08.01 to 12.10.01 when the price had shot up from Rs.52/- to Rs.70.40.

4.3 Both the buying and selling clients of the said broker who had entered buy and sell orders for the same quantity of shares almost simultaneously. The value and volume of such transactions is also quite high.

4.4 I further find that the time lag between the punching of buy and sell orders was under a few minutes / seconds and almost the same in a number of transactions. In other words, there was a thin line between the punching

of buy and sell orders and the number of transactions entered into.

I find that the average price of the scrip of OFL had increased sharply from Rs.15.70 to Rs.50.95, an increase of more than @ 218.75% in Settlement No.2002117 and 2002121. Further, the price increased to Rs.70.50 an increase of more than 40% in Settlement No.2002127 along with increase in volumes also. The value and volume of the impugned transactions were also quite high.

- 4.5 I observe that In Appeal No.54 of 2002 – Nirmal Bang Securities Pvt. Ltd. vs SEBI, the Hon'ble Securities Appellate Tribunal has held as under with regard to the synchronised deals :-

“BEB has been charged for synchronized deals with First Global. I have examined the data provided by the parties on this issue. I find many transactions between BEB and FGSB. There are many instances of such transactions. I find the scrip, quantity and price for these orders had been synchronized by the counter party brokers. Such transactions undoubtedly create an artificial market to mislead the genuine investors. Synchronized trading is violative of all prudential and transparent norms of trading in securities. Synchronized trading on a large scale, can create false volumes. The argument that the parties had no means of knowing whether any entity controlled by the client is simultaneously entering any contra order elsewhere for

the reason that in the online trading system, confidentiality of counter parties is ensured, is untenable. It was submitted by the Appellants that it was not possible for the broker to know who the counter party broker is and that trades were not synchronized but it was only a coincidence in some cases. Theoretically this is OK. But when parties decide to synchronize the transaction the story is different. There are many transactions giving an impression that these were all synchronized, otherwise there was no possibility of such perfect matching of quantity price etc. As the Respondent rightly stated it is too much of a coincidence over too long a period in too many transactions when both parties to the transaction had entered buy and sell orders for the same quantity of shares almost simultaneously.”

- 4.6 I find such transactions wherein the buy and sell orders were entered as cross deals and matched in terms of order quantity, price and the time of punching orders are highly irregular and defeat the very purpose of normal order-matching system in the price discovery process in the exchanges. Therefore, I find the said transaction is in violation of Regulation 4 of the PFUTP Regulations which reads as under:-

Prohibition against market manipulation.

4 No persons shall

(a) effect, take part in, or enter into, either directly or indirectly, transactions in securities, with the intention of artificially raising or depressing the prices of securities and thereby inducing the sale or purchase of securities by any person;

(b) indulge in any act, which is calculated to create a false or misleading appearance of trading on the securities markets;

(c) indulge in any act, which results in reflection of prices of securities based on transactions that are not genuine trade transactions;

(d) enter into a purchase or sale of any securities, not intended to effect transfer of beneficial ownership but intended to operate only as a device to inflate, depress, or cause fluctuation in the market price of securities.

4.7 I note that regulation 7 of the said Regulations which provides as under :-

Stock Brokers to abide by Code of Conduct

7. The stock broker holding a certificate shall at all times abide by the Code of Conduct as specified in Schedule II.

I also note that Schedule II of the said Regulations reads as under :-

A. General

(1) Integrity : A stock broker, shall maintain high standards of integrity, promptitude and fairness in the conduct of all his business.

(2) Exercise of due skill and care : A stock broker shall act with due skill, care and diligence in the conduct of all his business.

(3) Manipulation : A stock broker shall not indulge in manipulative, fraudulent or deceptive transactions or schemes or spread rumours with a view to distorting market equilibrium or making personal gains.

(4)

(5) Compliance with statutory requirements : A stock-broker shall abide by all the provisions of the Act and the rules, regulations issued by the Government, the Board and the Stock Exchange from time to time as may be applicable to him.

B. Duty to the Investor

(4) Business and Commission :

(a) A stock broker shall not encourage sales or purchases of securities with the sole object of generating brokerage or commission.

4.8 In view of my findings mentioned hereinabove, I am convinced that the said broker has violated regulation 7 of the said Regulations read with clauses A(1),A(2),A(3),A(5) and B(4)(a) of the Code of Conduct prescribed for Stock Brokers under Schedule II of the

said Regulations read with regulation 4(a),(b),(c) and (d) of the PFUTP Regulations.

4.9 I am satisfied that this is a fit case to impose a penalty of suspension and I do not see any reason to differ with the findings and the recommendation of the Enquiry Officer in this regard. I am also convinced that a major penalty of suspension of the Certificate of Registration of the said broker for a period of six months would be adequate and commensurate with the gravity of the violations committed by the said broker.

5.0 **Order**

Therefore, I, in exercise of the powers conferred upon me by virtue of Section 4(3) of the Securities and Exchange Board of India Act,1992 read with regulation 13(4) of the said Enquiry Regulations, hereby suspend the certificate of registration of M/s. Swadha Securities Limited (SEBI Registration No. INB031141238) for a period of six months.

This Order shall come into effect on the expiry of twenty one days from the date of this Order.

Place: Mumbai
Date : 27/1/2005

G. N. BAJPAI
CHAIRMAN
SECURITIES AND EXCHANGE BOARD OF INDIA

