

## **SECURITIES AND EXCHANGE BOARD OF INDIA**

### **ORDER**

#### **ORDER UNDER SECTION 11, 11B AND 11D OF THE SECURITIES AND EXCHANGE BOARD OF INDIA ACT, 1992, AGAINST VINIYOG AND/OR VINIYOG PORTFOLIO MANAGEMENT SERVICES AND ITS PROPRIETOR SHRI BHASKAR KUMAR MUKHERJEE**

Securities and Exchange Board of India (SEBI) has come across a programme called "Share Bazar" which is being aired daily between 1.30 pm to 2.00 pm on a Bengali TV channel called Tara News conducted by one Shri Bhaskar Kumar Mukherjee who provides tips on share investment.

Shri Bhaskar Kumar Mukherjee also appears in advertisements during the break-time of the said programme wherein he solicits clients for investments in share market through his entity "Viniyog" and/or "Viniyog Portfolio Management Services" offering a guaranteed return of 5% - 20% per month. Further, at the end of the programme Shri Mukherjee states that persons interested in becoming his client may contact him at the mobile numbers: 9830034977 and 9830790530. It may be mentioned that no address of Viniyog / Viniyog Portfolio Management Services is given in the programme.

Calls were also made to the above numbers to ascertain the nature of activities of Shri Bhaskar Kumar Mukherjee and his above entities. The receiver of calls, identifying himself as Bhaskar Kumar Mukherjee, has accepted the fact that he accepts money either in his name or in the name of Viniyog. Further, investor complaint regarding Viniyog was also received. It was found that the investors have to first enter into an agreement with Shri Bhaskar Kumar Mukherjee / his entities namely Viniyog and/or Viniyog Portfolio Management Services enabling it to manage their portfolio. The said

agreement stipulates, inter alia, as under:

- An affidavit has to be executed on stamp paper by the client with the entity.
- A cheque has to be issued by the client for a minimum amount of Rs.3,00,000/- in the name of Viniyog / Bhaskar Mukherjee.
- Viniyog will conduct operations in the share market on behalf of the client.
- Minimum assured / guaranteed return of 5% per month, i.e. 60% assured return per year.
- 20% of profit to be kept by Viniyog, rest to the client.
- Minimum agreement period – one year
- 3% as service fee per month.

A letter was issued by SEBI on December 29, 2005 to Shri Bhaskar Kumar Mukherjee, through Tara News channel, advising him to submit among others the following information:

- a) Addresses of Viniyog Portfolio Management Services and / or Viniyog,
- b) Whether Viniyog Portfolio Management Services and/or Viniyog has been registered with SEBI as a Portfolio Manager,
- c) Details of the nature of Portfolio Management services provided by you and/or your above mentioned entities,
- d) A copy of the agreement entered by you and/or your above mentioned entities with your clients,
- e) Number of investors who invested money with you,
- f) Amount of money collected so far and

In his reply vide letter dated January 3, 2006, Shri Bhaskar Kumar Mukherjee has accepted that he runs a consultancy firm known as Viniyog whose advertisement appear during the break-time of the Share Bazar programme and has also admitted that his concern is related to providing consultancy to persons interested in investments in share market.

It may be mentioned that the name Viniyog Portfolio Management Services itself denotes that Shri Mukherjee, through his entities, is conducting an un-authorized portfolio management service, without obtaining any registration from SEBI. The advertisement given by Viniyog Portfolio Management Services assures returns of 5% - 20% per month. It is highly suspicious that Shri Mukherjee has avoided giving straight reply to the questions relating to amount mobilized from investors and the number of investors. It is also suspicious that Shri Mukherjee has been consciously avoiding keeping any evidence on paper. That is why the advertisements are given on television in order to avoid ready reference at any point of time. It may also be repeated here that Shri Mukherjee has consciously avoided giving any address or landline number to the general public through his programme and advertisement, in order to avoid detection of his place of functioning.

It is evident from the above that the intention of Shri Bhaskar Kumar Mukherjee, through Viniyog and/or Viniyog Portfolio Management Services, is to lure a large number of gullible investors of the eastern region of the country by assuring them high returns. The matter is serious because Shri Mukherjee is appearing on TV as an expert on share market and has access to millions of investors. Needless to say that what the entity proposes to do is fraught with very high risks to investors. The entity is not registered with SEBI in any capacity and in case of default by the entity in meeting its obligations to investors, the normal recourse available to investors may not be available in this case.

Therefore, in the interest of investors and to safeguard the integrity of the market, in exercise of powers under Section 11, 11 B and 11 D of the SEBI Act, 1992, I hereby direct that the entity Viniyog and/or Viniyog Portfolio Management Services and its proprietor, Shri Bhaskar Kumar Mukherjee, shall cease and desist from acting as an unregistered portfolio manager and shall not buy, sell or deal in securities market in any manner, directly or indirectly, with immediate effect. The entity Viniyog and/or Viniyog Portfolio Management Services and its proprietor Shri Bhaskar Kumar Mukherjee is also restrained from conducting any programme, including the "Share Bazar" programme, and issuing advertisements in any media, including TV, which are alluring and may be detrimental to the interest of the investors. The entity will be given a post decisional hearing on receipt of request.

**SHRI MADHUKAR**

**WHOLE TIME MEMBER**

**SECURITIES AND EXCHANGE BOARD OF INDIA**

**DATE : 1-2-2006**

**PLACE : Mumbai**