

SECURITIES AND EXCHANGE BOARD OF INDIA

ORDER

IN THE MATTER OF SURRENDER OF CERTIFICATE OF REGISTRATION OF BOI MUTUAL FUND AND WITHDRAWAL OF APPROVAL GRANTED TO BOI ASSET MANAGEMENT COMPANY LTD., TO ACT AS AN ASSET MANAGEMENT COMPANY.

MO/IMD/ 75 / 01/2007

- 1.0 BOI Mutual Fund is a Mutual Fund (hereinafter referred to 'the Mutual Fund) registered with the Securities and Exchange Board of India (hereinafter referred to as "SEBI") having the Certificate of Registration No. MF/014/94/1. BOI Asset Management Co. Ltd. (hereinafter referred to as 'the AMC') was approved to act as the Asset Management Company for Bank of India Mutual Fund vide SEBI's letter dated July 5, 1994.
- 2.0 It has been noted that the said Mutual Fund has handed over its existing schemes to Taurus Mutual Fund in accordance with SEBI (Mutual Fund) Regulations, 1996 and has transferred the unclaimed amounts to Bank of India (the Principal Trustee, hereinafter referred to as BOI).
- 3.0 It has further been noted that BOI AMC stands dissolved without being wound up and has since been amalgamated with BOI vide Mumbai High Court dated February 27, 2003.
- 4.0 In view of the above, the Mutual Fund has surrendered its Certificate of Registration for cancellation and has requested for withdrawal of approval granted in respect of the AMC.
- 5.0 BOI has undertaken that it would handle the unclaimed amounts in accordance with SEBI (Mutual Fund) Regulations, 1996 and guidelines in this regard. BOI has further undertaken to handle and be responsible for all the investor related matters of redeemed schemes including the litigations, as it would have applied to the Mutual Fund.
- 6.0 Vide letter dated November 17, 2006 the Mutual Fund has further made representation under the first proviso to regulation 16(1) of the SEBI (Procedure for Holding Enquiry by Enquiry Officer and imposing Penalty) Regulations, 2002 (hereinafter referred to as "Enquiry Proceedings Regulations") and has submitted that no Enquiry Proceedings may be appointed for the purpose of surrender of registration of Mutual Fund and withdrawal of approval of the AMC.
- 7.0 I have considered the submissions, declarations, undertakings and representations by the Mutual Funds and the AMC and other material on record. I note that in terms of regulation 15(i) of the Enquiry Proceedings Regulations, it is not necessary to hold an enquiry under Chapter II of the said Regulations, where an intermediary surrenders its certificate to the Board. As per the first proviso to regulation 16 of the Enquiry Proceedings Regulations, where a representation is received from an intermediary to dispense with the procedure laid down in regulation 16 i.e. the summary procedure, the procedure of regulation 16 need not be followed and appropriate order after considering the representation of the intermediary can be passed. Under the above facts and circumstances of the case, I am of the view that there are reasonable grounds to accept the surrender of certificate of the Mutual Fund and withdrawal of approval of AMC.
- 8.0 In view of the forgoing and in exercise of powers conferred upon me under Section 19 of the Securities and Exchange Board of India Act, 1992 (hereinafter referred to as "SEBI Act, 1992") read with proviso to regulation 16(1) of the Enquiry Regulations, I hereby accept;-
 - a) the surrender of Certificate of Registration granted to BOI Mutual Fund and cancel the same and,
 - b) the withdrawal of approval granted to erstwhile BOI Asset Management Co. Ltd.

Date : 9th January 2007

Place : MUMBAI

T C NAIR

WHOLE TIME MEMBER

SECURITIES AND EXCHANGE BOARD OF INDIA