

bs-GmBwm/Gbtdvm#gU/829/2010/269

Zwilt 28 Gicj, 2011 Bs

AvivdvZ mKEiUR jgUW
59/3/3 cibv cëb (4_Zjv)
XvKv-1000|

elq: Av`k|

Kigk#bi 28 Gicj 2011 Bs ZwiltLi Av`k bs GmBwm/Gbtdvm#gU/829/2010/268 Gi mZ`wqZ Abjic Avcbvi
AeMwZ I c#qvRbxq e'e`v Mn#bi Rb` GZ`ms#M msh³ Kiv n#jv|

mKDwUR I G·#PÄ Kigk#bi c#f|

gxi tgvkiid tnv#mb #PšaiX
cwiPvjK

weZibt

cöb we@xKgKZ©XKvóK G· #PÄ y#gUW

AeMwZi Rb` Abjic:

- 1| wbevnX cwiPvjK, mvi#fBj`vY, GmBwm
- 2| wbevnX cwiPvjK, AvBb, GmBwm
- 2| wbevnX cwiPvjK, GgAvBGm, GmBwm
- 4| cwiPvjK, GmAviAvB / AviGû w, GmBwm
- 5| #Pqvig`vb g#nv`#qi `ßi, GmBwm

Av`k

th#nZ, Kigkb, AvivdvZ m#KDiiUR j#gUW (WGMb m`m` bs-94) tK Zvi Avte`bμtg, wbauiZ kZvax#b m#KDiiUR μq ieq
KgKvÊ c#iPvjv Kivi Rb" m#KDiiUR I G · #PÄ Kigkb (AZ:ci iKigkbô etj D#j#LZ) m#KDiiUR I G · #PÄ Kigkb AvBb, 1993
(1993 m#bi 15 bs AvBb) Gi 10(1) G c`Ê #gZve#j m#KDiiUR I G · #PÄ Kigkb (÷K-Wjvi, ÷K-#evKvi I Ab#gw`Z
ciZib#ia) ieiagvjv, 2000 Gi iei# 5(5) mn ciVZ ÷K-#evKvi #iR#ôkb m#Ud#KU c`vb K#i#Q;

th#nZ, Kigkb Zvi Av`k bs SEC/Section-5/99-803/261 dated August 29, 2010 Gi gva`tg AvivdvZ m#KDiiUR j#gUW
(WGMb m`m` bs-94) G GKU iekl ci`kb ciPvjv K#i Ges D<sup>3</sup> ci`kb ciZte`#b wbaui#c findings and contraventions
Gi D#jL Av#Q:

- “ Based on statement of the complainants Mr. Nizam Uddin Siddique (mobile no. 01711967946) and Mr. Zahidul Alom (mobile no. 01199435637), collected documents and other proof, it is evident that Arafat Securities Limited had opened an office at Biswanath, Sylhet. At its Biswanath office, Arafat Securities Limited conducted few activities like opening of B.O. accounts and operation in Primary & Secondary market without any approval or applying for approval of branch to the regulatory bodies.
- It is also evident that Arafat Securities Limited, DSE member no. 94, address: 59/3/3, Purana Paltan, Dhaka had entered into a franchise agreement with Mutual Trading (represented/owned by Mr. Zahidul Alam, Mr. Nizam Uddin Siddique & Mr. Alauddin). By that agreement, Arafat Securities Limited has nominated Mutual Trading to manage the activities of its Sylhet office located at Bishwanath New Market (bangla- Notun Bazar), Bishwanath, Sylhet by sharing profit in the following ways:
- Mutual Trading would collect total Taka 800/= including B.O registration charge of Taka 300/= and allot Taka 500/= to Arafat Securities Limited and remaining Taka 300/= be kept by Mutual Trading.
- Mutual Trading would collect commission @ 50 paisa from the customers on their total trade value and that commission would be distributed @ 20 paisa & @ 30 paisa to Arafat Securities Limited and Mutual Trading respectively.

Contraventions:

From the aforesaid activities it is evident that Arafat Securities Limited violated the following rules/directive/condition:

- a) óK-Wjvi/óK-#evKvi/Ab#gw`Z ciZib#ia Gi i#eÜb mb#`i kZ-1.
- b) Directive No.SEC/CMRRCD/2002-90/34 dated July 29, 2008 issued under section 20A of the securities and exchange Ordinance, 1969(XVII of 1969).
- c) Condition 1 and 6 of Second Schedule of m#KDiiUR I G · #PÄ Kigkb (óK-Wjvi, óK-#evKvi I Ab#gw`Z ciZib#ia) ieiagvjv, 2000. ”

th#nZ, Kigkb Dc#i#j#LZ ciZte`b Abhvx m#KDiiUR AvBb ciicvj#b e`_Zvi `i"b AvivdvZ m#KDiiUR j#gUW Gi eive#i GKU

show-cause-cum-hearing notice mî bs- SEC/Enforcement/829/2010/07 ZwiL 05 Ribqvix 2011 Bs tciY Kîi Ges cieZ#Z 17 Ribqvix 2011 Bs Ges 24 tde'qvix 2011 Bs ZwiL cb:Zdimj Kîi 15 gp 2011 Bs ZwiL kbvxi 'b aih' Kîi Ges aih'KZ ZwiL D³ teiKvi/Wjvi Gi cavb wbevnx KgKZv Dci'Z nîq Z#`i 15 gp 2011 Bs ZwiL cîîi gva'g wjwLZ e³e' wLj Kîi | D³ cîîi Ab'v#b'i gîa', wîbîi wLq, tîjv DîjL A#Q:-

Ó mwebq wbe`b Awg tgv Ave`jvn, cavb wbevnx KgKZv, AvivdvZ wmiKDiiUR wjw#UW, m`m' bs-094, XvKv ÷K G·#PÄ wjw#UW| wMZ 29/08/2010Bs ZwiL Kigk#bi Av`ke#j GmBim Gi `BRb Z`SKvix KgKZv Aî AvivdvZ wmiKDiiUR wjt ciî`kb Kîib Ges Z`Š Kvhµg ciîPvjv Kîib| GLv#b DîjL` th, Avgiv wkbv\_ wmtjU G tKvb cKvi kvLv Awdm tLvji Rb` tKvb c`ve ev c`#c tBb bvB| wmtjU wR`vevRvî Avgv`i GKwU kvLv Awdm Av#Q| tmb Awd#mi gva'g wL wnmve tLvji dig wbtq Awf#hMKvixMb wnmve tLvji Ges Zviv tKvb tîjbt`b Kîi bvB| Awf#hMKvix Rbve Rwn`j Avjg wkbv#_ Aew`Z Bmjvgx e'vsK Gi kvLvq PvKix Kivi mev#a ILvbKvi vbxq tîjvKîi cîiWPZ Kîi th, wZwb wkbv#\_ kvLv Awdm Lîj t`qvi e'e`v Kîi w`teb| cieZ#Z Avgv`i wBKU t`K tKvb cKvi m#Z bv tctq vbxq tîjvKîi P#ci gîL D³ Awf#hMKvix Rwn`j Avjg Avgv`i bv#g wgv_ Awf#hM `vqi Kîi|

AZGe gînv`q mgx#c AvKj Avte`b, D³ wfiEnxb I wgv_ Awf#hM t`K gw³ w`tq ewaZ Kîiteb| Ó

#hînz ciî`k#bi mgîq ciî`kb KgKZv#Q AvivdvZ wmiKEiiUR wjw#U#Wi wkbv_, wmtjU kvLv nîZ wbbwLZ `wj j cî msMn Kîi#Q:

- i) Client list from the registrar of Arafat Securities Ltd., collected from Biswanath, Sylhet.
- ii) Duly filled-up Account opening forms (photo copy) of Arafat Securities Ltd., collected from Biswanath, Sylhet.
- iii) Money receipt of Arafat Securities Ltd. collected from Biswanath, Sylhet.
- iv) Duly signed Deed agreement of 330 square feet office space located at Didar Shopping Complex, Rampasha Road of Md. Azmal Hossain Bulbul with Mr. Zahidul Alam, Mr. Nizam Uddin Siddique & Mr. Alauddin.
- v) Duly signed Deed agreement between Arafat Securities Ltd., address: 59/3/3, Purana Paltan, Dhaka-1000 (represented by Md. Abdullah) and Mutual Trading, address: Didar Shoping Complex, Biswanath new bazaar, Biswanath, Sylhet (represented by Mr. Nizam Uddin Siddique, Mr. Zahidul Alam & Mr. Alauddin).
- vi) Deed of Agreement between Arafat Securities Ltd. and Mr. Md. Koyes Ahmed (referred as the Authorized Representative and also employee of the stockbroker/stock-dealer), address: Vill-Mirchor-1 (Boro Bari), P.S-Biswanath, Dist-Sylhet without the sign of the representative of Arafat Securities Ltd.
- vii) Cash Book and Ledger of Arafat Securities Ltd. collected from Biswanath, Sylhet.
- viii) Blank Account Opening Form with a seal of Biswanath branch collected from Biswanath, Sylhet.
- ix) Leaflet relating to opening ceremony of Biswanath branch of Arafat Securities Ltd.
- x) Copy of B.O. Account Opening Forms of 8 (eight) clients (collected from head office of Arafat Securities Ltd.) who opened account from Biswanath office of Arafat Securities Ltd.
- xi) Copy of Portfolio Statement of 2 (two) clients (collected from head office of Arafat Securities Ltd.) who opened account from Biswanath office of Arafat Securities Ltd.
- xii) Copy of BO-ISIN holding report of Mr. Abul Kalam received from Biswanath office of Arafat Securities Ltd.)

- xiii) Copy of statement showing transfer of Tk. 4,971.00 and Tk. 49,567.00 to the account of Mr. Md. Abdullah, a/c no. 20502060100192209, Islami Bank Bangladesh Limited, Paltan Branch from Biswanath Branch.
- xiv) Copy of statement showing withdrawal of cash of Tk. 2,80,000.00 from account name Md. Zahidul Alam, no. 20501310203950900, Islami Bank Bangladesh Limited, Mirpur Branch.
- xv) Copy of cheque book of Mr. Md. Zahidul Alam, where it is evident in the counter part of the cheque that Mr. Md. Abdullah had received cash cheque of Tk. 2,80,000.00 and cash of Tk. 20,000 from Mutual Trading (represented by Mr. Nizam Uddin Siddique, Mr. Zahidul Alam & Mr. Alauddin).
- xvi) Statement of Arafat Securities Ltd. regarding no submission of Money Receipt books containing page from 2300 to 2500.

th#nZ, Dc#iv³ `jjcÎ #_#K cZxqyb nq th, Dc#wcZ A#f#hMmgn m#VK #m#nZ G#f#Î Av#dvZ m#KE#i#UR #j#g#U#W#i e#vL#v K#gk#bi #bKU Mnb#hM# #e#e#PZ nqib;

th#nZ, Av#dvZ m#KE#i#UR #j#g#UW Dc#iv³ KgK#ûi d#j óK-#Wjvi/óK-#evKvi/Ab#g#`Z c#Z#b#a Gi #beÜb mb#`i kZ-1, Directive No.SEC/CMRRCD/2002-90/34 dated July 29, 2008 issued under section 20A of the securities and exchange Ordinance, 1969(XVII of 1969) Ges Condition 1 and 6 of Second Schedule of m#KD#i#UR I G·#PÄ K#gkb (óK-#Wjvi, óK-#evKvi I Ab#g#`Z c#Z#b#a) #e#ag#jv, 2000. B"Q#KZf#e fsm K#i#Q, hv m#KD#i#UR Av#b#i c#ic#x;;

th#nZ, Av#dvZ m#KE#i#UR #j#g#UW Gi Dc#iv³ KgK#û Securities and Exchange Ordinance, 1969 Gi section 22 Ab#vqx kv#`#h#M# Ac#i#v#;

th#nZ, K#gk#bi #e#e#P#vq, m#KD#i#UR Av#Bb c#ic#v#j#b D#j#LZ e#_Z#i Rb", Z_v c#Rev#v#i#i Dbq#bi c#k#v#c#k ev#v#i#i ksL#jv I #QZ#i #f#v#i #v#_D³ #evKvi/#Wjvi #K R#ig#v# Kiv c#q#Rb I mg#P#b#;

AZGe, #m#nZ, K#gkb, D#j#LZ h#e#Z#q #elq #e#e#P#v#ceK, Securities and Exchange Ordinance, 1969 (Ordinance No. XVII of 1969) Gi section 22 [hv The Securities and Exchange (Amendment) Act, 2000 Øviv m#t#k#v#Z] G c`Ë #f#g#v#e#j Av#dvZ m#KE#i#UR #j#g#UW (#W#m#B m`m# bs-94) Gi Dci 5 (c#P) j #f#U#K#v R#ig#v# av# Kij hv AÎ Av#`#ki Z#wiL n#Z 15 (c#bi) #`#bi g#a" Øm#KD#i#UR I G·#PÄ K#gkb# Gi AbK#j Bm"KZ e#v#sK W#dU/#c-AW#i#i g#a#g K#gk#b Rgv Ki#Z n#e#;

m#KD#i#UR I G·#PÄ K#gk#bi Av#`k#µ#g,

#gv: #Rq#Dj nK #L#`Kvi
#Pq#ig#vb

#eZibt

Av#dvZ m#KE#i#UR #j#g#UW, 59/3/3 civ#v c#ëb (4_ Z#jv), X#Kv-1000|

