bs-GmBwm/Gb‡dvm‡g›U/1008/2011/557 ZwiLt 07 A‡±vei, 2013 Bs

wcGBPwc ÷K A¨vÛ wmwKDwiwUR wjwg‡UW
wmGmB m`m¨ bs-31
wcGBPwc nvDR
31, AvMvev` ev/G
PUMvg|

welq: Av‡`k|

evsjv‡`k wmwKDwiwUR A¨vÛ G·‡PÄ Kwgk‡bi 07 A‡±vei, 2013 Bs Zvwi‡Li Av‡`k bs-GmBwm/Gb‡dvm‡g›U/1008/2011/556 Gi mZ¨wqZ Abywjwc Avcbvi AeMwZ I c‡qvRbxq e¨e¯'v Mn‡bi Rb¨ GZ`ms‡M msh³ Kiv n‡jv|

evsjv‡`k wmwKDwiwUR A¨vÛ G·‡PÄ Kwgk‡bi c‡¶,

Avej Kvjvg AvRv`
Dc-cwiPvjK
Gb‡dvm‡g›U wefvM
‡dvb: 9573914

weZibt

cavb wbevnx KgKZv, PUMvg óK G·‡PÄ wjwg‡UW|

m`q AeMwZi Rb¨ Abywjwc:

1| †Pqvig¨vb g‡nv`‡qi `ßi, weGmBwm|
2| wbevnx cwiPvjK, AvBb wefvM, weGmBwm|
3| wbevnx cwiPvjK, Gm Avi AvB wefvM, weGmBwm|
4| wbevnx cwiPvjK, GgAvBGm wefvM, weGmBwm |

bs-GmBwm/Gb‡dvm©‡g›U/1008/2011/556 ZvwiLt 07 A‡±vei, 2013 Bs

<u>Av‡`k</u>

‡h‡nZz, Kwgkb, wcGBPwc ÷K AvÛ wmwKDwiwUR wjwg‡UW (wmGmB m`m¨ bs-31) †K Zvi Av‡e`bµ‡g, wbawiZ kZ©vax‡b wmwKDwiwUR µq weµq KgKv‡Ê cwiPvjbv Kivi Rb¨ evsjv‡`k wmwKDwiwUR AvÛ G·‡PÄ Kwgkb (AZ:ci ÔKwgkbÕ e‡j DwjøwLZ) wmwKDwiwUR I G·‡PÄ Kwgkb AvBb, 1993 (1993 m‡bi 15 bs AvBb) Gi 10(1) G c`Ë ¶gZve‡j wmwKDwiwUR I G·‡PÄ Kwgkb (÷K-wWjvi, ÷K-‡evKvi I Ab‡gvw`Z cÖwZwbwa) wewagvjv, 2000 Gi wewa 5(5) mn cÖvZ ÷K‡evKvi/wWjvi †iwR‡÷kb mvwU©wd‡KU c`vb K‡i‡Q;

‡h‡nZz, Kwgkb Gi Av‡`k bs SEC/SRI/INS/CSE-MEM/2010/612 dated 06.12.2012 Gi gva¨‡g wcGBPwc ÷K AvÛ wmwKDwiwUR wjwg‡UW G cwi`k‡bi Rb¨ GKwU KwgwU MVbZ nq Ges D³ cwi`kb KwgwUi `vwLjKZ cÖwZ‡e`b Abhvqx findings and contraventions wbgiƒc:

Quote:

"It appears from the Balance Sheet of audited financial statements for the year ended on December 31, 2011 of PHP Stocks & Securities Ltd that net payable to clients of Tk. 17,54,14,823.00 and Notes to the accounts no. 3.00 Cash & Bank Balances as on December 31, 2011: Customer consolidated bank (One Bank Ltd) account no. Ktg. 088-006 balance was Tk. 7,22,15,761.00 instead of Tk. 17,54,14,823.00. As a result it appears that client's funds were used for the company's own purposes;

Payable to clients	Tk. 18,18,46,435.00
Less: Receivable from stock exchanges Taka: CSE & DSE (42,06,103+22,25,509)	Tk. 64,31,612.00
Net Payable to clients	**Tk. 17,54,14,823.00**

As per AvPbiwewa 6, wØZxq Zdwmj of wmwKDwiwUR I G·‡PÄ Kwgkb (÷K wWjvi, ÷K †evKvi I Ab‡gvw`Z cÖwZwbwa) wewagvjv, 2000 - "wbR ¯^v_© wm×i Rb¨ Ac‡KŠkj c‡qvM wbwl×|- †Kvb ÷K wWjvi, ÷K †evKvi ev Ab‡gvw`Z cÖwZwbwa wbR ¯^v_ wm×i Rb¨ †Kvb Ac‡KŠk‡ji Avkq jB‡Z cvwi‡eb bv, Kvh©‡KI VKv‡bv ev ceÂbvi D‡Ï‡k¨ †Kvb †jb‡`b Kwi‡Z cvwi‡eb bv ev wbR ¯^v_ wm×i D‡Ï‡k¨ A_ev evRv‡ii fvimvg¨ webó Kivi D‡Ï‡k¨ †Kvb ¸Re QovB‡Z ev Kvhµg cwiPvjbv Kwi‡Z cvi‡eb bv|Ó

In view of the above, it also appears that PHP Stocks & Securities Ltd (CSE membership no. 031) has used of Tk. (17,54,14,823.00–7,22,15,761.00) = Tk. 10,31,99,062.00 for its own purposes, which is not in accordance with AvPbiwewa 6 -wØZxq Zdwmj Ges wewa-11 of wmwKDwiwUR I G·‡PÄ Kwgkb (÷K wWjvi, ÷K †evKvi I Ab‡gvw`Z cÖwZwbwa) wewagvjv, 2000.

Contravention: Through the aforesaid activities PHP Stocks & Securities Limited [CSE Member No. 31] has violated AvPbiwewa 6 -wØZxq Zdwmj Ges wewa-11 of wmwKDwiwUR I G·‡PÄ Kwgkb (÷K wWjvi, ÷K †evKvi I Ab‡gvw`Z cÖwZwbwa) wewagvjv, 2000.

Unquote:"

‡h‡nZz, Kwgkb Dc‡iv³wjwLZ cÖwZ‡e`b Abhvqx wmwKDwiwUR AvBb cwicvj‡b e¨_©Zvi `v‡q wcGBPwc ÷K AvÛ wmwKDwiwUR wjwg‡UW Gi eiv‡e‡i GKwU show-cause-cum-hearing notice mÎ bs- SEC/Enforcement/1008/2011/221 ZvwiL 19 gvP, 2013 Bs †ciY K‡i Ges 27 gvP, 2013 Bs Zvwi‡L kbvbxi w`b avh¨ K‡i Ges cieZx‡Z wcGBPwc ÷K AvÛ wmwKDwiwUR wjwg‡UW Gi Av‡e`‡bi cwi‡cÖw¶‡Z Reschedule of hearing notice mÎ bs- SEC/Enforcement/1008/2011/292 ZvwiL 24 Gwcÿj, 2013 Bs `viv 08 ‡g, 2013 Bs Zvwi‡L kbvbxi w`b cbivq avh¨ K‡i Ges avh¨KZ Zvwi‡L D³ †evKvi/wWjvi Gi Manager Dcw¯Z n‡q 05 ‡g, 2013 Bs Zvwi‡Li c‡Îi gva¨‡g wjwLZ e³e¨ `vwLj K‡ib| h‡Z Ab¨v‡b¨i g‡a¨, wb‡gœv³ welq¸wji D‡jøL Av‡Q:-

Quote:

"Balance Sheet of PHP Stocks & Securities Limited as on 31 December 2011 shows net payable to clients of tk.17, 54, 14,823.00 but notes to accounts no.3.00 cash and bank balance shows customer consolidated bank (one bank ltd) tk. 7, 22, 15,761.00. Analyzing the situation it deems that the company used the fund of tk. **10,31,99,062.00** (tk.17,54,14,823.00 – tk.7,22,15,761) . But among the net payable to clients the directors and sister concern of PHP Stocks &Securities Ltd has the amount of tk.9, 73, 56,938.00. The particular of director and sister concern is given below whose balance was positive.

Client code	Client Name	Payable Amount	Status at PHP Stocks & SL.	comments
1	Mohammed Mizanur Rahman Chowdhury	7,73,439.93	Chairman	Copy enclosed-1.1
3	Mohammed Mohsin Chowdhury	1,07,24,316.92	Director	Copy enclosed-1.2
4	Mohammed Iqbal Hossain Chowdhury	1,43,41,232.30	Director	Copy enclosed-1.3
6	Mohammed Anowerul Haque chowdhury	1,03,23,072.62	Director	Copy enclosed-1.4
10	Mohammed Amir Hossain Chowdhury	80,04,688.92	Director	Copy enclosed-1.5
12	Mohammed Akther Parvez Chowdhury	1,55,58,549.38	Managing Director	Copy enclosed-1.6
3600	PHP Float Glass Industries Ltd	3,76,31,638.50	Sister concern	Copy enclosed-1.7

Total=**9, 73, 56,938.00**

So in this respect we would like to say that we paid to the above mentioned clients dues but we forgot to settle into our back office software as a result payable to client shows tk. **9, 73, 56,938.00** more than the actual. It is also mentioned that our corporate accounts and tax department prepared the audited report for the year end 2011 based on the actual data of our back office software and they did not know the fact that we paid the dues of the above mentioned clients. In this way there happened a mismatch in our last audited report.

On being aware of above non-compliance matter, we have addressed the issue latter on and regularized thereof. The above compliance has been properly taken care of, maintaining the amount of net payable to clients in cash and bank of balance sheet as on 31st December 2012.(copy enclosed-1.8) In support of the above compliance we attach here with the Annual report of PHP Stock & Securities Ltd for the year ended 31 December 2012 for your reference and kind satisfaction."

Unquote:"

‡h‡nZz, wcGBPwc ÷K A¨vÛ wmwKDwiwUR wjwg‡UW Gi wjwLZ e³e¨ †_‡K m¯úó cZxqgvb nq †h, ïbvbxi †bwU‡ki Awf‡hvMmgn wcGBPwc ÷K A¨vÛ wmwKDwiwUR wjwg‡UW ¯xKvi K‡i‡Q hv B"QvKZ Ges wel q¸‡jv wmwKDwiwUR AvBb cwicvj‡b e¨_Zv weavq section 22 of Securities and Exchange Ordinance, 1969 Abhvqx kw¯‡hvM¨ Aciva Ges hv ¶gvi A‡hvM¨;

‡h‡nZz, Kwgk‡bi we‡ePbvq, wmwKDwiwUR AvBb cwicvj‡b DwjwLZ e¨_Zvi Rb¨, Z_v cwRevRv‡ii Dbq‡bi cvkvcvwk evRv‡ii ksLjv I ¯"QZv i¶vi ¯v‡_ D³ †evKvi/wWjvi †K Rwigvbv Kiv c‡qvRb I mgxPxb;

AZGe, †m‡nZz, Kwgkb, DwjwLZ hveZxq wel q we‡ePbvceK, Securities and Exchange Ordinance, 1969 (Ordinance No. XVII of 1969) Gi section 22 [hv The Securities and Exchange (Amendment) Act, 2000 Øviv ms‡kwaZ] G c`Ë ¶gZve‡j wcGBPwc ÷K A¨vÛ wmwKDwiwUR wjwg‡UW  Gi Dci 03 (wZb) j¶ UvKv Rwigvbv avh¨ Kij hv AÎ Av‡`‡ki ZwiL n‡Z 15 (c‡bi) w`‡bi g‡a¨ ÔevsjV‡`k wmwKDwiwUR A¨vÛ G·‡PÄ KwgkbÕ Gi AbK‡j Bm¨KZ e¨vsK WvdU/†c-AWv‡ii gva¨‡g Kwgk‡b Rgv Ki‡Z n‡e|

evsjv‡`k wmwKDwiwUR A¨vÛ G·‡PÄ Kwgk‡bi
Av‡`kµ‡g,

Aa¨vcK W: Gg Lvqi"j †nv‡mb
‡Pqvig¨vb

weZibt
wcGBPwc ÷K A¨vÛ wmwKDwiwUR wjwg‡UW
wmGmB m`m¨ bs-31
wcGBPwc nvDR
31, AvMvev` ev/G
PUMvg|