

Sub: Summary of Order-in-Original No. 13/DIR/FIU-IND/2022 dated 21.10.2022 in the matter of Kotak Securities Limited (Reporting Entity) – reg.

As part of its supervisory functions under Chapter IV of the Prevention of Money Laundering Act, 2002 (PMLA), FIU-IND regularly monitors enforcement and regulatory actions taken by financial sector regulators. As part of its supervisory functions under Chapter IV of the Prevention of Money Laundering Act, 2002 (PMLA), FIU-IND regularly monitors enforcement and regulatory actions taken by financial sector regulators. Such monitoring is carried out with a two-fold purpose. First, such cases are considered from the perspective of dissemination to law enforcement agencies for further action in accordance with law. Second, such cases are considered with a view towards examining if the entities in question properly implemented the requisite standard of transaction monitoring and due diligence safeguards from an AML / CFT perspective. Specifically, this examines whether a Reporting Entity missed any prior opportunity to detect and report illicit activities prior to their consummation. Such an approach maximises the possibility that criminal activities which utilise financial channels will be detected before the public or other stakeholders are harmed.

In the present instance, interim ex-parte **SEBI Order No. WTM/MPB/ISD/192/2021 dated 31.05.2021 in the matter of Infosys Limited for commission of insider trading in Futures and Options segment of the scrip** came to the attention of FIU-IND. In order to examine whether there was any non-compliance by any Reporting Entity with respect to the obligations under Chapter IV of PMLA, the case was taken up for further analysis.

After examining the material on record and the submissions made, **Kotak Securities Limited** was found to have breached the relevant obligations in respect of its:

- (i) Failure of the RE to properly raise, investigate alert, and handle the alerts as provided by the statute where income details of the client(s) were at substantial variance with trading values / volumes;
- (ii) Failure of the RE to properly raise an alert and consider an adverse order of SEBI from the perspective of transactional monitoring and reporting obligations.

In view of the same and due to the deficiencies observed in the mechanism implemented by the Reporting Entity, it was found appropriate to issue detailed directions to the **Kotak Securities Limited** under section 13(2)(a) and 13(2)(b). **Kotak Securities Limited** was further required to return, within a period of 30 days, a certification under signature of its Designated Director and Principal Officer that the directed measures would be implemented within the periods prescribed.

Disclaimer: The summary of the instant order is only representational in nature and does not hold any legal significance and cannot be relied upon or referred to as a precedence in any other case.