

THE BOARD OF DISCIPLINE

THE INSTITUTE OF COMPANY SECRETARIES OF INDIA

ICSI/DC: 115/2012

In the matter of complaint of professional or other misconduct filed by Shri Vimal S V, ACS - 25061 against Dr. Baiju Ramachandran, ACS - 16505 (CP No. 7071).

Date of Decision: 30th November, 2013

Coram: Sudhir Babu C, Presiding Officer
Umesh H Ved, Member
Sutanu Sinha, Member

ORDER

1. The Board of Discipline at its meeting held on 24th October, 2013 had deliberated the matter at length and considering the nature of issues involved and in totality of the circumstances of this case held Dr. Baiju Ramachandran, the Respondent 'Guilty' under Clause (2) of Part IV of the First Schedule of the Company Secretaries Act, 1980 as he contravened Rule 42(4)(xii) of the Company Secretaries (Election to the Council) Rules, 2006.
2. The Board of Discipline vide its order dated 8th November, 2013 *inter-alia* decided to give Dr. Baiju Ramachandran, the Respondent an opportunity of being heard in terms of Section 21A (3) of the Company Secretaries Act, 1980 before passing any order.
3. The Copy of the order dated 8th November, 2013 of the Board of Discipline was sent to Dr. Baiju Ramachandran, the Respondent *vide* letter dated 11th November, 2013.
4. Dr. Baiju Ramachandran, the Respondent was called upon to appear before the Board of Discipline on 30th November, 2013 *vide* letter dated 12th November, 2013.



Sutanu Sinha

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Umesh H Ved

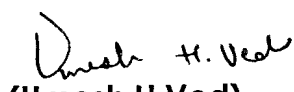
Sudhir Babu C


5. Dr. Baiju Ramachandran, the Respondent vide his email dated 29th November, 2013 *inter-alia* stated that he has advanced his arguments to convince the Hon'ble Board at every stage that he is not guilty of the allegations levied against him. However, the Hon'ble Board is not convinced with his submissions and he has nothing more to say except to reiterate that he is not guilty of professional or other misconduct and therefore deserve no punishment.
6. The Board of Discipline at its meeting held on 30th November, 2013 noted that despite service of the notice Dr. Baiju Ramachandran, the Respondent has instead of appearing before the Board has sent the aforesaid email. The Board of Discipline noted that the Notice dated 12th November, 2013 sent to Dr. Baiju Ramachandran, the Respondent calling upon him to appear before the Board of Discipline on 30th November, 2013 stated that in case he fails to appear before the Board of Discipline it shall proceed ex-parte.
7. Accordingly, the Board decided to precede ex-parte. The Board after detailed deliberations on the matter and considering the material on record; nature of issues involved and in totality of the circumstances of this case, passed the following order.

Fine of Rs. 10,000/- (Ten Thousand)

The order shall be effective after the expiry of 30 days of issue of this order.


(Sutanu Sinha)
Member


(Umesh H Ved)
Member


(Sudhir Babu C)
Presiding Officer

Date: November 30, 2013

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