

BEFORE THE BOARD OF DISCIPLINE

THE INSTITUTE OF COMPANY SECRETARIES OF INDIA

ICSI/DC:NI/2010

The Information received against Shri P. K. Mittal, FCS- 2216 for contravention /non compliance of the Election Code of Conduct.

Date of Decision: 11<sup>th</sup> September, 2013

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

ORDER

1. The Board on 3<sup>rd</sup> May, 2013 had considered the material on record; nature of issues involved and in totality of the circumstances of this case; decided to proceed *ex-parte*. The Board of Discipline concluded that Shri P K Mittal is 'Guilty' of contravening Rule 42(4)(viii) of the Company Secretaries (Election to the Council) Rules, 2006 read with the Company Secretaries Act, 1980 for circulation of the election manifesto during ICSI elections 2010 which contained his photographs and the ICSI logo which is in violation of the directives /instructions issued by the Returning Officer.
2. The Board of Discipline vide its order dated 17<sup>th</sup> June,2013 *inter-alia* decided to give an opportunity of being heard to the Respondent before passing any order in terms of Section 21A (3) of the Company Secretaries Act, 1980.
3. The copy of the order dated 17<sup>th</sup> June, 2013 of the Board of Discipline was sent to Shri P K Mittal *vide* letter dated 18<sup>th</sup> June, 2013. Further, Shri P K Mittal was called upon to appear before the Board of Discipline on 13<sup>th</sup> August, 2013 *vide* letter dated 31<sup>st</sup> July, 2013.
4. Shri P K Mittal *vide* his letter dated 10<sup>th</sup> August, 2013 had requested for an adjournment of hearing fixed on 13<sup>th</sup> August, 2013 due to his pre-occupation. The Board at its meeting held on 13<sup>th</sup> August,2013 considered the request of Shri P K Mittal; adjourned the hearing and directed to call upon him to appear before the Board on 11<sup>th</sup> September, 2013.
5. Accordingly, *vide* letter dated 16<sup>th</sup> August, 2013 Shri P K Mittal was called upon to appear before the Board of Discipline on 11<sup>th</sup> September, 2013.



*Sutanu Sinha*

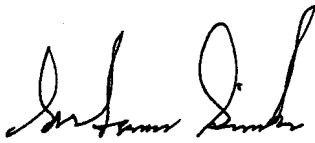
*Umesh H Ved*

*Sudhir Babu C*

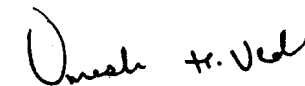
6. The Board of Discipline on 11<sup>th</sup> September, 2013 noted that despite service of the notice to Shri P K Mittal, he neither appeared before the Board nor any communication received from him. The Board of Discipline noted the Notice dated 16<sup>th</sup> August, 2013 sent to Mr. P K Mittal calling upon him to appear before the Board of Discipline on 11<sup>th</sup> September, 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 proceed ex-parte. The Board after detailed deliberations on the matter and considering the nature of issues involved and in totality of the circumstances of this case, passed the following order:

**'Reprimand'**

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



**(Sufanu Sinha)**  
Member



**(Umesh H Ved)**  
Member



**(Sudhir Babu C)**  
Presiding Officer

Date: 13<sup>th</sup> September, 2013

