

**THE BOARD OF DISCIPLINE
THE INSTITUTE OF COMPANY SECRETARIES OF INDIA
IN THE MATTER OF COMPLAINT OF PROFESSIONAL OR OTHER MISCONDUCT
UNDER THE COMPANY SECRETARIES ACT, 1980.**

DC/325/2015

Order reserved on: 13th October 2016
Order issued on : 23rd December, 2016

M/s. Hi-Tec Hospital and Healthcare Corporation Ltd. ...Complainant

Vs

Ms. Dipti Gupta, ACS - 13269 Respondent

Present:

Director (Discipline)

FINAL ORDER


1. A complaint dated 23rd September, 2015 in Form 'I' was filed under Section 21 of the Company Secretaries Act, 1980 (hereinafter referred to as 'the Act') read with sub-rule (1) of Rule 3 of the Company Secretaries (Procedure of Investigations of Professional and other Misconduct and Conduct of Cases) Rules, 2007 (hereinafter referred to as 'the Rules') by M/s. Hi-Tec Hospital & Healthcare Corp. Ltd. (hereinafter referred to as the 'Complainant') against Ms. Dipti Gupta, ACS-13269 (hereinafter referred to as the 'Respondent') who worked as Company Secretary with the Complainant .
2. Pursuant to sub-rule (3) of Rule 8 of the Rules, a copy of the complaint was sent to the Respondent vide letter(s) dated 1st October, 2015 calling upon her to submit the written statement. The Respondent vide letter dated 22nd October, 2015 submitted its written statement. Pursuant to sub-rule (4) of Rule 8 of the Rules, a copy of the written statement was sent to the Complainant vide letter dated 3rd November, 2015 asking the Complainant to submit the rejoinder. The Complainant was again asked vide letter dated 4th March, 2016 to provide the rejoinder. The Complainant vide letter dated NIL received on 23rd March, 2016 submitted the rejoinder.
3. The Complainant has inter-alia alleged the following against the Respondent:—




G. J. Manoj


MSD

- (i) Concealment & destruction of records and documents.
 - (ii) Perverted the organization regarding MCA filing.
 - (iii) Did not handover the documents.
 - (iv) Unethical & illegitimate conducts.
 - (v) Threatened the management.
 - (vi) Destruction of image of ICSI.
 - (vii) Charged false amounts.
 - (viii) Fabricated harassment case against management.
4. The Respondent had denied the allegations levied against her and inter-alia stated that she has been rotated as a Company Secretary in two companies. She further stated that she has not been paid for her services and has been removed from the post of Company Secretary without assigning any reason what so ever without giving her a notice for her removal from the post of Company Secretary as per the terms and conditions of her employment. She further stated about the functioning of the company and the reasons why she could not file e forms of the company.
5. The prima-facie opinion dated 23rd September, 2015 of the Director (Discipline) was placed for consideration before the Board of Discipline on 13th October 2016.
6. The Board considered the *prima-facie* opinion dated 23rd September, 2015 of the Director (Discipline) wherein she has *inter-alia* stated that the onus to prove the allegations lies on the Complainant which in the instant case, the Complainant has failed to substantiate, therefore, the Respondent is *prima-facie* 'Not Guilty' of Professional or other misconduct under any of the Items of the First and/or Second Schedule to the Act. The Board agreed with the *prima-facie* opinion of the Director (Discipline) that the Respondent is 'Not Guilty' of professional Misconduct under the Act as there is no evidence on record to substantiate the allegations made by the Complainant and decided to close the matter in terms of sub-rule (3)(a) of Rule 9 of the Rules read with Section 21A(4) of the Company Secretaries Act, 1980. Accordingly, the Complaint stands disposed off.


CS Dinesh Chandra Arora
Member


CS Ashish Doshi
Presiding Officer




CS C Ramasubramaniam
Member