

THE BOARD OF DISCIPLINE

THE INSTITUTE OF COMPANY SECRETARIES OF INDIA

IN THE MATTER OF COMPLAINT OF PROFESSIONAL OR OTHER MISCONDUCT

ICSI/DC: 148/2012

Date of Decision: 6<sup>th</sup> January, 2015

Shri Radhakishan B Ruchandani

....Complainant

Vs.

Shri Dinesh V Gohil, FCS-3784, (CP No. 2206)

.... Respondent

ORDER

1. The Board of Discipline on 5<sup>th</sup> September, 2014 had noted that despite having been given ample opportunities, the Respondent did not appear before it. The Board considered the material on record and concluded that the Respondent is 'Guilty' of Professional Misconduct for contravening Clause (8) of Part I of the First Schedule of the Company Secretaries Act, 1980 as he had issued Compliance Certificates to M/s. Bee CeeLene Textile Mills Pvt. Ltd., for the year 2006, 2007, 2008 and 2009 without ensuring as to whether the previous incumbent had received his intimation before taking up the said assignment. In the instant case, the Respondent has stated to have sent the communication to Shri Dhiren R Dave, the previous incumbent before taking the assignment but Shri Dhiren R Dave has denied to have received any such communication from the Respondent in this regard. The Board noted that the Respondent has not submitted any proof of delivery for such communication to Shri Dhiren R Dave. The Board therefore felt that mere posting the letter by the Respondent is not sufficient compliance. Further, there is no authentic proof of dispatch and at the same time, acknowledgement by the addressee is essential. The Board thereafter, decided to afford an opportunity of being heard to Mr. Dinesh V Gohil, FCS-3784 (CP No. 2206), the Respondent before passing any order under Section 21A (3) of the Company Secretaries Act, 1980. Accordingly, a copy of the order dated 19<sup>th</sup> December, 2014 passed by the Board of Discipline was sent to the Respondent vide letter dated



*[Handwritten signature]*

