

BEFORE THE BOARD OF DISCIPLINE

THE INSTITUTE OF COMPANY SECRETARIES OF INDIA

ICSI/DC:169/2012

**In the matter of complaint of professional or other misconduct
filed by Shri Prasen Naithaini, FCS-3830 against Shri Sachin Kumar
B Manseta, ACS - 23659.**

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

ORDER

1. A complaint in Form I dated 26th December, 2012 was filed under Section 21 of the Company Secretaries Act, 1980 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 (the Rules) by Shri Prasen Naithaini, FCS-3830 (hereinafter referred to as the 'Complainant') against Shri Sachin Kumar B Manseta, ACS - 23659 (hereinafter referred to as the 'Respondent').
2. Pursuant to sub-rule (3) of Rule 8 of the Rules, a copy of the complaint was forwarded to the Respondent *vide* letter dated 3rd January, 2013 calling upon him to submit his written statement.
3. The Complainant *vide* letter dated 7th February, 2013 informed that the dispute has been amicably settled and requested the Institute to dispose of the complaint as withdrawn.



[Handwritten signatures]

4. In this regard, the relevant provisions contained in the Company Secretaries Act, 1980 and the Company Secretaries (Procedure of Investigations of Professional and other Misconduct and Conduct of Cases) Rules, 2007 governing the withdrawal of the complaint are as under:

Section 21 (5) of the Company Secretaries Act, 1980:

"Where a complainant withdraws the complaint, the Director (Discipline) shall place such withdrawal before the Board of Discipline or as the case may be, the Disciplinary Committee, and the said Board or Committee may, if it is of the view that the circumstances so warrant, permit the withdrawal at any stage."

Rule 6 of the Company Secretaries (Procedure of Investigations of Professional and other Misconduct and Conduct of Cases) Rules, 2007:

"The Director, on receipt of a letter of withdrawal of a complaint by the complainant shall place the same before the Board of Discipline or the Committee, as the case may be, and the Board of Discipline or the Committee, as the case may be, may, if it is of the view that the circumstances so warrant, permit the withdrawal, at any stage, including before or after registration of the Complaint.

Provided that in case, the Director has not yet formed his *prima facie* opinion on such a complaint, he shall place the same before the Board of Discipline, and the Board of Discipline may,

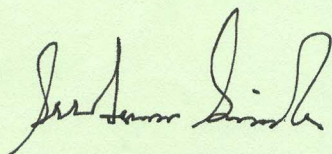


if it is of the view that the circumstances so warrant, permit the withdrawal".

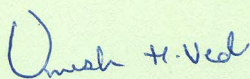
5. The Director (Discipline) has not yet formed his *prima-facie* opinion in the matter.

6. The Board of Discipline at its meeting held on 26th February, 2013 considered the matter vis-a-vis the provisions of the Company Secretaries Act, 1980 and the Company Secretaries (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007 governing withdrawal of a complaint permitted the withdrawal of the complaint and closed the matter.

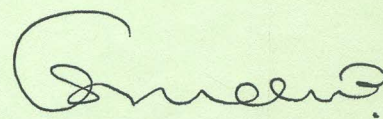
Accordingly, the complaint stands disposed-off.



(Sutanu Sinha)
Member



(Umesh H Ved)
Member



(Sudhir Babu C)
Presiding Officer

Date: 01st March, 2013

