

THE BOARD OF DISCIPLINE

THE INSTITUTE OF COMPANY SECRETARIES OF INDIA

IN THE MATTER OF COMPLAINT OF PROFESSIONAL OR OTHER MISCONDUCT

ICSI/DC: 221/2014

Date of Decision: 6th January, 2015

Ms. Deepthi Agarwal Bindal

.....Complainant

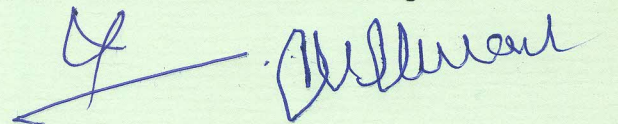
Vs.

Mr. Ramakant Pathak, FCS-6131 (CP No. 6571)

..... Respondent

ORDER

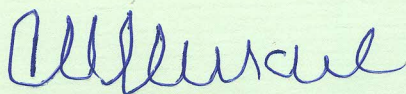
1. The Board noted that a copy of its Order dated 29th October, 2014 was sent to Mr. Ramakant Pathak, FCS-6131 (CP No.6571), the Respondent *vide* letter dated 30th October, 2014 wherein he was afforded an opportunity of being heard passing any order under Section 21A (3) of the Company Secretaries Act, 1980 read with Rule 19 (1) of the Company Secretaries (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007. Accordingly, Respondent *vide* letter dated 10th December, 2014 was called upon to appear before the Board on 19th December, 2014.
2. The Board of Discipline at its meeting held on 19th December, 2014 had noted that a letter dated 19th December, 2014 has been received from the Respondent wherein he had inter-alia stated that he is unable to attend the hearing due to food poisoning and requested for an adjournment. The Board in the interest of justice, decided to afford last and final opportunity of being heard to the Respondent to appear before it on 6th January, 2015. It also decided that in case the Respondent does not appear, the Board shall proceed *ex-parte*. Accordingly, the Respondent *vide* letter dated 22nd December, 2014 was called upon to appear before the Board on 6th January, 2015.
3. The Respondent *vide* letter dated 6th January, 2015 inter-alia conveyed that he is unable to attend the hearing due to pain in his back and leg. He further requested to grant him leave of absence and fix the next date of hearing in



the matter after at least 20-25 days. The Respondent also attached a medical certificate dated 5th January, 2015 advising him bed rest for two weeks.

4. On 6th January, 2015 the Board noted the request received from the Respondent. In view of the fact that the case is pending for disposal for quite some time and also in view of the fact that it was made clear to the Respondent on the last date of hearing that no further opportunity shall be granted to the Respondent, the Board proceed to consider the issue of grant of punishment to the Respondent.
5. We have carefully considered the pleadings of the parties and also in view of the peculiar facts and circumstances of the case passed the following order:

'Reprimand'


(Anil Murarka)
Member


(P. K. Mittal)
Presiding Officer

Date: 18th January, 2015