

THE BOARD OF DISCIPLINE

THE INSTITUTE OF COMPANY SECRETARIES OF INDIA

ICSI/DC: 222/2014

In the matter of complaint of professional or other misconduct filed by Mr. Padmanabh A. Panditrao against Mr. Prasad H. Joshi, FCS-6697 (CP No. 7381).

Date of decision: 26th September, 2014

Coram: Mr. P K Mittal, Presiding Officer
Mr. Sutanu Sinha, Member

ORDER

1. A complaint dated 17th January, 2014 in Form '1' was filed under Section 21 of the Company Secretaries Act, 1980 (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 (the Rules) by Mr. Padmanabh A. Panditrao (hereinafter referred to as the 'Complainant') against Mr. Prasad H. Joshi, FCS-6697 (CP No. 7381) (hereinafter referred to as the 'Respondent'). A letter dated 30th January, 2014 was sent to the Complainant asking him to submit the requisite fees Rs. 2500/- for filing the complaint which he submitted vide his letter dated 11th February, 2014.
2. The Complainant has *inter-alia* alleged that the Respondent has certified Form 32 regarding his cessation and that of Mr. Raghvendra S. Panditrao and Ms. Geetanjali P. Panditrao from the directorship of M/s. Panditrao Mines & Minerals Pvt. Ltd., without exercising due diligence. He further alleged that the Respondent did not take proper care to verify the notices of the meeting, acknowledgments of receipt by directors, holding of meeting, attendance registers etc., and he also did not confirm the genuineness of the purported resignation letters of aforesaid persons before certifying the alleged Form 32. Further, the e-mail id mentioned in the Form 32 of a director being removed is mentioned as pjoshi30@rediffmail.com which happens to be the e-mail id of Mr. Prasad H Joshi, the Respondent. Thereby, any communication from MCA regarding filing of Form 32 has not received by the persons removed. The



Sutanu Sinha

[Signature]

