

THE BOARD OF DISCIPLINE

THE INSTITUTE OF COMPANY SECRETARIES OF INDIA

ICSI/DC: 259/2014

In the complaint of professional or other misconduct filed by Mr. Avinash Parmar against Mr. Karan Narang, ACS-31525 (CP No.12367).

Date of decision: 19th December, 2014

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

ORDER

1. A complaint dated 14th September, 2014 in Form 'I' 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. Avinash Parmar (hereinafter referred to as the 'Complainant') against Mr. Karan Narang, ACS-31525 (CP No. 12367) (hereinafter referred to as the 'Respondent'). The Complainant has *inter-alia* alleged that Mr. Karan Narang, the Respondent on the basis of forged and fabricated documents without exercising due diligence has certified (i) Form DIR-12 pertaining to cessation of Mr. Santosh Parmar, Avnish Parmar and Rajneesh Parmar from directorship of M/s. Navyug India Ltd. (ii) Form DIR-12 wrongly showing appointment of two additional directors namely Rakesh Sharma and Pankaj Sharma on board of the company and further wrongly designated Rakesh Sharma as Chairman of the company and Mr. Madhu Jain as Mg. Director of the company.(iii) Form MGT -14 for illegally approving transfer of shares, appointment of MD and unlawful approval of Share transfers.
2. Pursuant to sub-rule (3) of Rule 8 of the Rules, a copy of the complaint was sent to the Respondent *vide* letter dated 23rd September, 2014 calling upon him to submit the written statement. A letter dated 10th



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October, 2014 was received from the Respondent *inter-alia* informing that the Complainant is likely to withdraw the instant complaint and requesting additional time to file his written Statement. The Respondent *vide* letter dated 20th October, 2014 was provided additional time to file the written statement.

3. A letter dated 27th October, 2014 was received from the Respondent attaching there with a withdrawal letter dated 22nd October, 2014 of the Complainant. The Complainant *vide* letter dated 7th November, 2014 was asked to confirm whether he intend to withdraw the instant complaint or not. The Complainant *vide* letter dated 22nd October, 2014 received on 12th November, 2014 *inter-alia* confirmed that he unconditional wants to withdraw the complaint.
4. 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

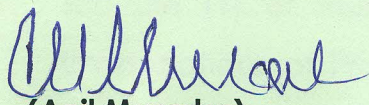


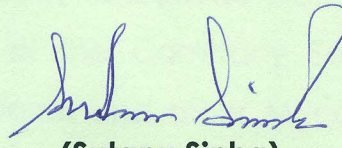
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the Board of Discipline, and the Board of Discipline may, if it is of the view that the circumstances so warrant, permit the withdrawal.

5. The Board of Discipline observed that in the instant complaint, the Director (Discipline) has not yet formed his *prima facie* opinion.
6. The Board of Discipline after considering the material on record; *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 *supra* governing withdrawal of a complaint; permitted the withdrawal of the complaint against the Respondent and closed the matter.

Accordingly, the complaint stands disposed-off.


(Anil Murarka)
Member


(Sutanu Sinha)
Member


(P. K. Mittal)
Presiding Officer

Date: 19th Dec, 2014

