

**THE BOARD OF DISCIPLINE
THE INSTITUTE OF COMPANY SECRETARIES OF INDIA
IN THE MATTER OF COMPLAINT OF PROFESSIONAL OR OTHER MISCONDUCT
UNDER THE COMPANY SECRETARIES ACT, 1980**

DC/263/2014

Order reserved on: 04.09.2017

Order issued on : 26th September, 2017

M/s. Unity Infrastructures Ltd

.....Complainant

Vs

Shri Ashok Surana, FCS-3559

.....Respondent

Present:

Mrs. Meenakshi Gupta, Director (Discipline)

ORDER

1. The Complainant *vide* letter dated 16th March, 2016 *inter-alia* requested to dispose-off the complaint as withdrawn.
2. 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.



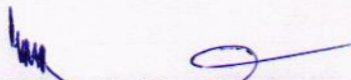
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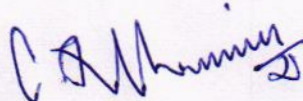
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Provided that in case, the Director has not yet formed his prima facie opinion on such a complaint, he shall place the same before the Board of Discipline, and the Board of Discipline may, if it is of the view that the circumstances so warrant, permit the withdrawal".

3. In the instant complaint the Director (Discipline) has not yet formed her prima facie opinion. Accordingly, the withdrawal request was placed before the Board of Discipline on 13th October, 2016 for consideration.
4. On 13th October, 2016, the Board of Discipline had advised the Director (Discipline) to ask the Complainant to submit a certified copy of the Board Resolution passed by M/s. Unity Infrastructure Limited for withdrawal of the Complaint.
5. Accordingly, a copy of the aforesaid Order passed by the Board of Discipline was forwarded to the parties vide letter dated 24th January, 2017 and the Complainant was subsequently asked to provide a copy of the Board Resolution passed by M/s. Unity Infrastructure Limited for withdrawal of the Complaint vide letter dated 2nd February, 2017.
6. The Complainant after requesting for additional time provided a copy of Board Resolution passed by M/s. Unity Infrastructure Limited for withdrawal of the Complaint vide his letter dated 17th March, 2017.
7. **The Board of Discipline 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.**


CS Dinesh Chandra Arora
Member


CS C Ramasubramaniam
Member


CS Ashish Doshi
Presiding Officer

