

THE DISCIPLINARY COMMITTEE  
THE INSTITUTE OF COMPANY SECRETARIES OF INDIA

IN THE MATTER OF COMPLAINT OF PROFESSIONAL OR OTHER MISCONDUCT

ICSI: DC: 265/2014

Order Reserved On: 26<sup>th</sup> July, 2019

Order Issued On: 09 AUG 2019

M/s. Hotel Oasis (Surat) Pvt. Ltd.

..... Complainant

Vs.

Shri Dilip N Motwani  
(ACS -5016, COP No. 2431

.....Respondent

CORAM:

CS Ranjeet Pandey, Presiding Officer  
CS Nagendra D Rao, Member  
Mrs. Meenakshi Datta Ghosh, Member

PRESENT

Mrs. Meenakshi Gupta, Director (Discipline)  
Shri Gaurav Tandon, Assistant Director, Disciplinary Directorate  
None for the Respondent

FINAL ORDER

1. The Disciplinary Committee *vide* its order issued on 27<sup>th</sup> June, 2019 (reserved on 3<sup>rd</sup> June, 2019) had held the Respondent 'Guilty' of professional misconduct under item 7 of part I of the Second Schedule to the Company Secretaries Act, 1980 as the Respondent did not exercise due diligence while certifying Form 20B and Form 23AC pertaining to M/s. Hotel Oasis (Surat) Pvt. Ltd for FY 2012 and 2013. The Disciplinary Committee had further decided to provide an opportunity of being heard to the Respondent pursuant to sub- rule (1) of Rule 19 of the Rules. The Disciplinary Committee further decided to call upon the Respondent to appear before it at the next date of hearing in this case, as may be decided by the Presiding Officer of the Disciplinary Committee. In case, the Respondent for any reason is unable to attend the hearing; the Respondent may appear through an authorized representative along with a duly signed and attested letter of authority addressed to the Disciplinary Committee seeking exemption from personal appearance or submit his written submissions failing which, the matter will be heard *ex-parte*.

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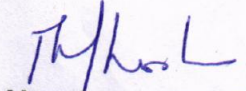
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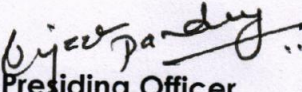


2. Accordingly, a copy of the aforesaid order of the Disciplinary Committee was sent to the parties and the Respondent was called upon to appear before the Disciplinary Committee on 26<sup>th</sup> July, 2019 at New Delhi.
3. On 26<sup>th</sup> July, 2019, neither the Respondent appeared before the Committee nor was any communication received from him. The Disciplinary Committee after considering all the material on record, previous orders of the Disciplinary Committee in this matter, and given the totality of the circumstances in the matter passes the following order against the Respondent under Section 21B (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:
  - i) REPRIMAND
  - ii) Fine of Rs. 25, 000/- ( Rupees twenty five Thousand) payable within 60 days after expiry of 30 days of issue of this final order; and

In the event of default in payment of fine of Rs. 25,000/- (Rupees Twenty Five Thousand only), the removal of name of the Respondent from the Register of Members for a period of 75 days.

  
Member

  
Member

  
Presiding Officer



AD(GT)