

**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**

ICSI/DC/285/2015

Order reserved on: 3rd May, 2018

Order issued on : 9th June, 2018

Shri Ishwer Udhavdas Thakur, FCS-2298

.... Complainant

Vs.

Ms. Sapna Goel, ACS-31087

.... Respondent

Present:

Mrs. Meenakshi Gupta, Director (Discipline)

FINAL ORDER

1. The Board of Discipline at its meeting held on 27th February, 2018, after considering the material on record, *prima-facie* opinion of the Director (Discipline) and keeping all the facts and circumstances of the case, was of the opinion that the Respondent is "Guilty" of Professional or other misconduct under Item (8) of Part I of the First Schedule to the Company Secretaries Act, 1980 as the Respondent had issued the Compliance Certificate dated 20th August, 2014 to M/s. Dayal & Associates Pvt. Ltd., for F.Y. ending 31st March, 2014 without first communicating with the Complainant who had issued the Compliance Certificate to M/s. Dayal and Associates Pvt. Ltd., for the F.Y. ended on 31st March, 2013, the said mistake has also been admitted by the Respondent. The Board of Discipline in terms of the Rules, decided to provide an opportunity of being heard to the Respondent before pronouncement of final order in the case.
2. A copy of the Order passed by the Board of Discipline pertaining to the aforesaid decision was sent to the Respondent and was called upon to appear before the Board of Discipline on 3rd May, 2018. An email dated 26th April, 2018 was received from the Respondent *inter-alia* informing that it would not be possible for her to come to Delhi on short notice and that her 18 months old daughter is not well. She further informed that her uncle Mr. Raj Kishor Gupta, who is advocate, will appear on her behalf.
3. On 3rd May, 2018 Mr. Raj Kishor Gupta, Advocate appeared before the Board of Discipline and submitted his authorization letter. He on behalf of the Respondent once again admitted the mistake and requested the Board of Discipline to take lenient view in the matter considering that the Respondent



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was a fresher at the time of the alleged misconduct. He further filed the following documents;-

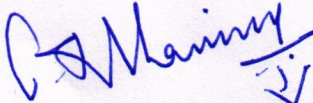
- (i) Vakalatnama executed by the Respondent authorizing him to paper on her behalf.
- (ii) Copy of the appointment letter dated 18.08.2014 issued by M/s. Dayal & Associates Pvt. Ltd., to the Respondent
- (iii) copy of letter dated nil issued by M/s. Dayal & Associates Pvt. Ltd., to the Complainant discontinuing his services
- (iv) Copy of a judgment of Supreme Court pertaining to a disciplinary proceeding against an Advocate.

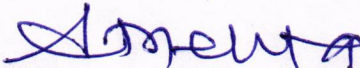
4. The Board of Discipline after considering the material on record; the nature of issues involved and given the totality of the circumstances of the case and being the admission of guilt on behalf of the Respondent and request of taking a lenient view in the matter, asked the representative of the Respondent to tender a written apology on behalf of the Respondent which he submitted vide letter dated 3rd May, 2018 and thereafter, the Board of Discipline passes the following order under Section 21A(3) of the Company Secretaries Act, 1980 read with Rule 15(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. 5, 000/- payable within 60 days from the date of issue of this final order; and

In the event of default in payment of fine within stipulated period by the Respondent, the name of the Respondent shall be removed from the Register of members for a period of 30 days.


CS Dinesh Chandra Arora
Member


CS C Ramasubramaniam
Member


CS Atul H Mehta
Presiding Officer

