

**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/295/2015

Order reserved on : 18<sup>th</sup> January, 2018  
Order issued on : 18<sup>th</sup> January, 2018

Noida Chapter of ICSI

.... Complainant

Vs.

Shri Anuj Kumar Agarwal, ACS-11534.

....Respondent

**Present:**

Mrs. Meenakshi Gupta, Director (Discipline)

**ORDER**

1. The Board of Discipline on 7<sup>th</sup> July, 2017, had considered the *prima-facie* opinion of the Director (Discipline) dated 26<sup>th</sup> May, 2017, wherein the Director (Discipline) was *prima facie* of opinion that the matter may be referred to the Council for its opinion as to whether the Respondent brought disrepute to the profession or the Institute under clause (2) of Part IV of the First Schedule of the Company Secretaries Act, 1980 as results of his action by defaming the image of Ex-officio/Central Council members from Noida chapter on social media by making fabricated allegations, therefore bringing disrepute to the profession or the Institute.
2. The Board of Discipline had *inter-alia* directed the Director (Discipline) to obtain a legal opinion on the preliminary objections raised by the Respondent in his written statement to this Complaint; and to place her *prima facie* opinion after examining the legal opinion and investigating the matter further and if required, may also call further documents in the matter.
3. After obtaining, a legal opinion in the matter and on further examination of the material on record the Director(Discipline) in her further investigation report dated 22<sup>nd</sup> September, 2017 *inter-alia* stated that the Chapters function at all times subject to the control, supervision and direction of the Council through the Regional Council within whose jurisdiction the Chapter is situated, further that a complaint on behalf of the Chapter can be filed in Form-1 under Rule 3 of the Company Secretaries (Procedure of Investigation of Professional and other Misconduct and Conduct of Cases) Rules, 2007, by the Institute after the same is approved by the Regional Council and the




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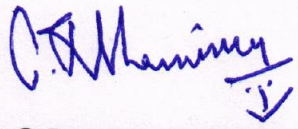
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Council of the Institute. Further, the Complaint is required to be approved by an officer of Institute not below the rank of Joint Secretary in the Government of India. Hence the Complaint is not maintainable under Rule 3 of the Company Secretaries (Procedure of Investigation of Professional and other Misconduct and Conduct of Cases) Rules, 2007 and is liable to be dismissed on technical ground.

4. The Board of Discipline, after considering the complaint, written statement, material on record, prima-facie opinion & further investigation report of the Director (Discipline) and all the facts and circumstances of the case, agreed to the further investigation report of the Director (Discipline), that Complaint is not maintainable and decided to close the matter and copy of the Order of the Board be sent to each of the party.

  
CS Dinesh Chandra Arora  
Member

  
CS C Ramasubramaniam  
Member

  
CS Ashish Doshi  
Presiding Officer

