

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/337/2015

Order reserved on: 22nd June, 2019
Order issued on : 12th August, 2019

Shri Madan Lal Arora, FCS-1226

....Complainant

Vs

Shri Himanshu Sharma, ACS-27235, CP No. 11553

....Respondent

CORAM:

Shri Deepak Khaitan, Presiding Officer
Shri Manish Gupta, Member
Shri Ashok Kumar Dixit, Member

Present:

Mrs. Meenakshi Gupta, Director (Discipline)

ORDER

1. The Board of Discipline on 28th February, 2019 held that the Respondent 'guilty' of professional misconduct under Item (8) of Part I of the First Schedule of the Company Secretaries Act, 1980 for not communicating in writing to the Complainant before acceptance of assignment of issuing Compliance Certificate for M/s. Shiwalya Spinning & Weaving Mills Pvt. Ltd., and M/s. Shiva Fibres Pvt. Ltd. for the Financial Year ended on 31st March 2014.
2. The Board of Discipline had further decided to provide an opportunity of being heard to the Respondent in terms of the Rule 15 (1) of the Company Secretaries (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007 before passing any order under sub-section (3) of section 21A of the Company Secretaries Act, 1980. Accordingly, the Board of Discipline advised the Director (Discipline) to call the Respondent on next date of hearing as and when fixed by the Presiding Officer of the meeting.
3. Accordingly, the Respondent vide letter dated 31st May, 2019 was called upon to appear before the Board on 22nd June, 2019 at New Delhi.
4. An email dated 22nd June, 2019 was received from the Respondent inter alia stating that due to health issue it is not possible for him to come for the meeting and he would always follow the order whatever provided by the learned authority.




5. On 22nd June, 2019, none appeared for the Respondent and the matter was proceeded ex-parte.
6. The Board of Discipline after considering the materials on record, previous order of the Board of Discipline, the nature of issues involved and the totality of the circumstances of the case including the withdrawal request of the Complainant, passes the following order against the Respondent 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 for finding the Respondent "**guilty**" of professional misconduct under Item (8) of Part I of the First Schedule to the Act:

Reprimand

Accordingly, the Complaint is closed and stands disposed off.



Member



Member



Presiding Officer

