

**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/366/2016

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

Shri Ramesh Bhatia, FCS-2483

.....Complainant

Vs

Shri Raghubir Chand Singal, FCS-903, CP-3154

.....Respondent

CORAM:

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

Present:

Mrs. Meenakshi Gupta, Director (Discipline)
Ms. Anita Mehra, Assistant Director, Disciplinary Directorate

ORDER

1. A Complaint in Form 'I' dated 31st August, 2016 is filed under Section 21 of the Company Secretaries Act, 1980 ('the Act') read with Sub-Rule (1) of Rule 3 of the Company Secretaries (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007 ('the Rules') by Shri Ramesh Bhatia, Company Secretary ('the Complainant') against Shri Raghubir Chand Singal, FCS-903 (hereinafter referred to as 'the Respondent').
2. The Director (Discipline) in the prima-facie opinion dated 26th December, 2018, after considering the Complaint, Written Statement of the Respondent and Rejoinder of the Complainant, related materials on record and all the facts and circumstances of the matter opined that the Respondent is *Prima-facie* 'Not Guilty' of professional or other misconduct under the Company Secretaries Act, 1980, for the forgery alleged to have been committed by the Respondent, because, at this stage alleged forgery has not yet been proved before the Competent Court. However, the Complainant may be given liberty to file a fresh complaint against the Respondent for Professional or other Misconduct, in case the alleged forgery against the Respondent is proved before a Competent Court of Law.
3. The Board of Discipline (Board) on 17th January, 2019 considered the *prima-facie* opinion dated 26th December, 2018 of the Director (Discipline) and the material on record. The Board of Discipline advised the Director (Discipline) to call the parties for hearing before her to investigate the matter and accordingly thereafter place the Further Investigation Report before the Board.
4. The Director (Discipline) in the Further Investigation Report dated 15th June, 2019 after considering all the submissions of the Complainant and the Respondent and all the facts and circumstances of the case reiterated the *prima-facie* opinion dated 26th



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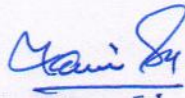
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December, 2018 that the Respondent cannot be held guilty of professional or other misconduct under the Company Secretaries Act, 1980 as the allegations of forgery against the Respondent has not yet been proved before the Competent Court. The present complaint may be closed being devoid of sufficient evidence. However, the Complainant may, if he so desires file a fresh complaint against the Respondent for Professional or other Misconduct, in case the alleged forgery is proved before a Competent Court of Law.

5. The Board after considering the *prima-facie* opinion of the Director (Discipline) dated 26th December, 2018 and the Further Investigation Report dated 15th June, 2019 and after considering the materials on record, the nature of issues involved and the totality of the circumstances of the case, agreed that at this stage the Respondent cannot be held guilty of Professional or other Misconduct under the Company Secretaries Act, 1980, since the allegation of forgery has not yet been established before a Competent Court of Law and hence the present complaint is devoid of necessary evidence.
6. Accordingly, the complaint is closed and stands disposed off with a liberty to the Complainant to file a fresh complaint of Professional or other Misconduct against the Respondent, if he may so desire, in case the alleged forgery is proved before a Competent Court of Law.



Member



Member



Presiding Officer

