

**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**

DC/383/2017

Order reserved on: 26.09.2017

Order issued on : 18.01.2018

M/s. Styrax Commodities Limited

.....Complainant

Vs.

Shri Imtiaz Khan, FCS-3449

.....Respondent

Present:

Mrs. Meenakshi Gupta, Director (Discipline)

FINAL ORDER

1. A complaint in Form 'I' dated 9th March, 2017 was 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 M/s. Styrax Commodities Limited (hereinafter referred to as 'the Complainant') against Shri Imtiaz Khan, FCS-3449 (hereinafter referred to as 'the Respondent').
2. The Complainant's letter dated nil received on 11.9.2017 informing that the dispute has been amicably settled and requested to dispose of the complaint as withdrawn was placed before the Board of Discipline. The Board of Discipline considered the aforesaid request of the Complainant and referred to the relevant provisions contained in the Act and in the Rules governing the withdrawal of the complaint, which are as under:

Section 21 (5) of the Company Secretaries Act, 1980:

"Where a complainant withdraws the complaint, the Director (Discipline) shall place such withdrawal before the Board of Discipline or as the case may be, the Disciplinary Committee, and the said Board or Committee may, if it is of the view that the circumstances so warrant, permit the withdrawal at any stage."



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Rule 6 of the Company Secretaries (Procedure of Investigations of Professional and other Misconduct and Conduct of Cases) Rules, 2007:

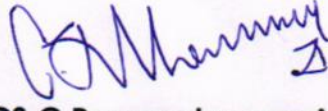
"The Director, on receipt of a letter of withdrawal of a complaint by the complainant shall place the same before the Board of Discipline or the Committee, as the case may be, and the Board of Discipline or the Committee, as the case may be, may, if it is of the view that the circumstances so warrant, permit the withdrawal, at any stage, including before or after registration of the Complaint. Provided that in case, the Director has not yet formed his *prima facie* opinion on such a complaint, he shall place the same before the Board of Discipline, and the Board of Discipline may, if it is of the view that the circumstances so warrant, permit the withdrawal".

3. The Board of Discipline also observed that in the instant complaint, the Director (Discipline) has yet to form his *prima facie* opinion.
4. **The Board of Discipline after considering the material on record; *vis-a-vis* the provisions of the Act and the Rules *supra* governing withdrawal of a complaint; permitted the withdrawal of the complaint against the Respondent and closed the matter.**

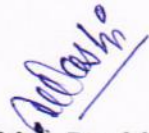
Accordingly, the complaint stands disposed-off.



**CS Dinesh Chandra Arora
Member**



**CS C Ramasubramaniam
Member**



**CS Ashish Doshi
Presiding Officer**

