

**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/394/2017

Order reserved on : 9th April , 2018
Order issued on : 3rd May 2018

Shri Ajay Kumar Trivedi, FCS-6797

....Complainant

Vs

Shri Gufran Ahmed Siddiqui, ACS-28900

....Respondent

Present:

Mrs. Meenakshi Gupta, Director (Discipline)

FINAL ORDER

1. A complaint dated 3rd May, 2017 in Form 'I' 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 Shri Ajay Kumar Trivedi, FCS-6797 (hereinafter referred to as 'the Complainant') against Shri Gufran Ahmed Siddiqui, ACS-28900 (hereinafter referred to as 'the Respondent').
2. The Complainant has inter-alia alleged that the Respondent violated the provision of Regulation 3 of the Company Secretaries Regulations 1982, which amounts to professional Misconduct under Clause (I) of Part II of the Second Schedule to the Company Secretaries Act, 1980.
3. A withdrawal letter dated 24th February, 2018 was received from the Complainant. The Complainant *inter-alia* stated that he unconditionally wants to withdraw the complaint and does not wish to pursue the case.
4. The Board of Discipline considered the request of the Complainant for withdrawal and the relevant provisions contained in the Act and the Rules governing withdrawal of the Complaint as under : -



L S

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."

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

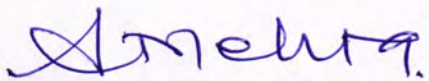
"The Director, on receipt of a letter of withdrawal of a complaint by the complainant shall place the same before the Board of Discipline or the Committee, as the case may be, and the Board of Discipline or the Committee, as the case may be, may, if it is of the view that the circumstances so warrant, 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".

5. The Board of Discipline also noted that in the instant complaint, the Director (Discipline) has not yet formed her *prima facie* opinion.
6. The Board of Discipline after considering the material on record; vis-a-vis the provisions of the Company Secretaries Act, 1980 and the Company Secretaries (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007 supra governing withdrawal of a complaint; permitted the withdrawal of the complaint.


CS Dinesh Chandra Arora
Member




CS Atul H Mehta
Presiding Officer