

**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/396/2017

Order reserved on: 9th June, 2018

Order issued on : 10th July, 2018

Ms Devangi Sharma

....Complainant

Vs

Ms Ayesha Jain ACS-26926,CP No 99

....Respondent

Present:

Mrs. Meenakshi Gupta, Director (Discipline)

FINAL ORDER

1. A complaint dated 29th May, 2017, in Form-'I' has been 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 Ms. Devangi Sharma (hereinafter referred to as 'the Complainant') against Ms Ayesha Jain ACS-26926,CP No 9926 (hereinafter referred to as 'the Respondent')
2. The Complainant has *inter-alia* stated that the Respondent is a Practising Company Secretary based at Agra. She also is engaged with banks and other financial Institutions and provide search and status report of clients to avail credit facilities. The Complainant has alleged that the Respondent shared the confidential data of search report to other people. The Complainant has further alleged that the Respondent provided manipulated data to the banks. In order to substantiate the allegation, the Complainant has provided her conversation with the Respondent on one group on WhatsApp Messenger.
3. The Respondent in her written statement dated 23rd June 2017, has *inter-alia* stated that the Complainant and the Respondent had completed studies from Holy Public School Agra and are school friends. Both of them are in one group namely 'Dizzle Fossil' on WhatsApp Messenger for list five years and the alleged conversation referred in her complaint is a conversation on this group in which the Respondent after being provoked

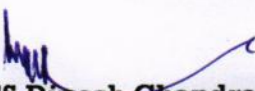



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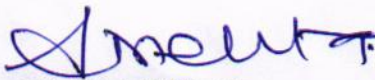
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by the Complainant lost her cool. The Respondent has further stated that whatever she has said was meant only for the limited number of friends and not for public at large and the impugned conversation does not fall under Item (I) of Part I of the Second Schedule to the Act.

4. The Board of Discipline in its meeting held on 9th June 2018 considered the *prima-facie* opinion dated 1st June 2018 of the Director (Discipline) alongwith all material available on record wherein she is *prima facie* of opinion that no case of professional or other misconduct is made out against the Respondent under Item (I) of Part I of the Second Schedule or under any other Item(s) of the the First and/or Second Schedule to the Act. Hence, the Respondent is 'not guilty' of professional misconduct or other misconduct under the provisions of the to the Company Secretaries Act, 1980.
5. The Board of Discipline considered the observation of the Director(Discipline) that the alleged conversation took place in a close group on group 'Dizzle Fossil' on *WhatsApp* Messenger in which there are arguments, allegations and counter allegations between the Complainant and the Respondent and there is nothing in the conversation to substantiate that the Respondent has disclosed any information acquired in the course of her professional engagement to any person . The *WhatsApp* message sent by the Respondent on group 'Dizzle Fossil' is not in her professional capacity but it is only a friendly conversation where of course slang and unparliamentarily language is exchanged between the parties.
6. The Board of Discipline after considering the material on record, *prima-facie* opinion of the Director (Discipline), all the facts and circumstances of the case and in view of observations made in para 5 above agreed to the *prima-facie* opinion of the Director (Discipline), that the Respondent is "**Not Guilty**" of Professional or other misconduct under the Company Secretaries Act, 1980 for the acts and/or omissions as alleged by the Complainant and accordingly decided to close the complaint.


CS Dinesh Chandra Arora
Member


CS C Ramasubramaniam
Member


CS Atul H Mehta
Presiding Officer

