

**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/402/2017

Order reserved on: 27<sup>th</sup> February, 2018

Order issued on : 22<sup>nd</sup> March, 2018

The Institute of Company Secretaries of India  
Through Shri S K Nagar, Joint Secretary (HR & Council Affairs) ....Complainant

Vs

Shri Sukhwinder Singh, FCS-8960 ..... Respondent

**Present:**

Director (Discipline)

**FINAL ORDER**

1. A complaint dated 18<sup>th</sup> July, 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 the Institute of Company Secretaries of India (ICSI), (here in after referred to as 'the Complainant'), against Shri Sukhwinder Singh, FCS-8960, (hereinafter referred to as 'the Respondent').
2. The Complainant vide letter dated 27<sup>th</sup> February, 2018 received from Shri S K Nagar, Joint Secretary (HR & Council Affairs) informing the decision of the Council of the Institute of Company Secretaries of India sought withdrawal of the Complaint. It was informed that the Council of the ICSI in its 249<sup>th</sup> meeting held on 18<sup>th</sup> January, 2018, inter-alia noted that a letter dated 2<sup>nd</sup> July, 2017 of the Respondent addressed to the President of ICSI was received on 3<sup>rd</sup> August, 2017, wherein the Respondent has requested the President, ICSI to consider his unconditional apology and requested him to withdraw the Complaint against him.
3. The Council of ICSI considered the request of the Respondent and (a) accepted the unconditional apology of the Respondent for withdrawal of complaint filed against him; (b) authorised the



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Secretariat to withdraw the complaint; and c) intimate the decision of the Council to the Respondent with an advice not to indulge in any such activity in any manner and to strictly refrain from such acts.

4. Accordingly, the Complainant vide his aforesaid letter dated 27<sup>th</sup> February, 2018 sought withdrawal of the Complaint.
5. The Board of Discipline considered the letter dated 27<sup>th</sup> February, 2018 received from the Complainant requesting for withdrawal of the Compliant.
6. The Board of Discipline also referred the relevant provisions contained in the Company Secretaries Act, 1980 and the Company Secretaries (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007 governing the withdrawal of the complaint which reads as under:

**Section 21 (5) of the Act:**

"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 Rules:**

"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."*


7. The Board of Discipline observed that in the instant complaint, the Director (Discipline) has already formed her *prima facie* opinion dated 12<sup>th</sup> January, 2018.

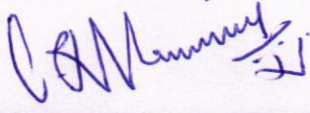



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8. The Board of Discipline after considering all the facts and circumstances in the case, decided to permit withdrawal of the Complaint under Rule 6 of the Company Secretaries (Procedure of Investigations of Professional and other Misconduct and Conduct of Cases) Rules, 2007 read with Section 21 (5) of the Company Secretaries Act, 1980

  
CS Dinesh Chandra Arora  
Member

  
CS C Ramasubramaniam  
Member

  
CS Atul H Mehta  
Presiding Officer

