

**THE DISCIPLINARY COMMITTEE  
THE INSTITUTE OF COMPANY SECRETARIES OF INDIA**

**IN THE MATTER OF COMPLAINT OF PROFESSIONAL OR OTHER MISCONDUCT**

DC/403/2017

Order Reserved On: 12 SEP 2019

Order Issued On: 30 OCT 2019

Shri Ramkumaran Thangam

..... Complainant

Vs.

Shri Selvam Nadimuthu, FCS-4318, CP No. 4858

.....Respondent

**CORAM:**

CS Ranjeet Pandey, Presiding Officer  
Mrs. Meenakshi Datta Ghosh, Member  
CS B Narasimhan, Member  
CS Nagendra D Rao, Member

**PRESENT**

Mrs. Meenakshi Gupta, Director (Discipline)  
Shri Gaurav Tandon, Assistant Director

**FINAL ORDER**

1. A Complaint dated 15<sup>th</sup> June, 2017 in Form-'I' was filed by Shri Ramkumaran Thangam ('the Complainant'), against Shri Selvam Nadimuthu, FCS-4318, CP No. 4858 (hereinafter referred to as 'the Respondent') 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').
2. The Complainant *inter-alia* alleged that the Respondent had certified and filed Form MGT-7 for the Annual Return pertaining to M/s. Shri Panchami Cargoes (P) Ltd., (the Company) for FY 2015-2016 without exercising due diligence.
3. The Respondent in his defence *inter-alia* stated that there were typographical errors done by his Assistant in the Form MGT-7 for the Annual Return pertaining to M/s. Shri Panchami Cargoes (P) Ltd., (the Company) for FY 2015-2016 with respect to the dates of AGM mentioned in the Form and also with regard to the Directors of the company. The Respondent further stated that the correct details of shareholders have been attached with the Form and that the typographical errors made in the said form have been duly rectified in revised Form MGT-7 filed on 31.08.2017. The Complainant though has alleged that the company has not convened the AGM for FY 2015-2016 but the Respondent has brought out material facts such as Attendance Registers, Minutes to show that the Company has actually convened the AGM.



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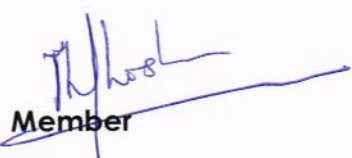
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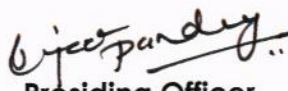
4. The Complainant *vide* his letter dated 4<sup>th</sup> October, 2017 disputed documents with respect to the meetings such as minutes, attendances relied by the Respondent and stated that the same have been forged and he has filed an FIR. In the said letter he further sought extension of time to file the rejoinder. However, no rejoinder was received from the Complainant.
5. The Director Discipline after considering all the material on record and all the facts and circumstances of the matter *vide prima facie* opinion dated 29<sup>th</sup> May, 2019 *inter-alia* opined that the Respondent is 'guilty' of Professional Misconduct under Item (7) Part I of Second Schedule to the Company Secretaries Act, 1980 for various discrepancies in MGT-7 as indicated above pertaining to M/s. Shri Panchami Cargoes (P) Ltd., for FY 2015-2016.
6. On 3<sup>rd</sup> June, 2019, the Disciplinary Committee after considering the *prima-facie* opinion dated 29<sup>th</sup> May, 2019 of the Director (Discipline) and all the facts and circumstances of the matter, agreed with the *prima-facie* opinion of the Director (Discipline) and decided to adjudicate the matter in accordance with Rule 18 of the Company Secretaries (Procedure of Investigations of Professional and other Misconduct and Conduct of Cases) Rules, 2007 read with the Company Secretaries Act, 1980, to finally conclude as to whether the Respondent is guilty or not in the matter.
7. Accordingly, a copy of the *prima-facie* opinion of the Director (Discipline) was sent to the Parties *vide* letter dated 16<sup>th</sup> July, 2019 calling upon them to submit their Written Statement / rejoinder on the same.
8. A letter dated 25<sup>th</sup> July, 2019 was received from the Respondent *inter-alia* submitting that he does not want to shift the onus and accepted the negligence on his part, though it was corrected, subsequently. The Respondent further requested that a lenient view may be taken.
9. In the meantime, a withdrawal letter dated 6<sup>th</sup> August, 2019 was received from the Complainant wherein he has *inter-alia* stated that he wants to withdraw the complaint. The Respondent *vide* his letter dated 25<sup>th</sup> August, 2019 *inter-alia* requested to either condone his mistake or take a lenient view.
10. The Disciplinary Committee after considering the material on record and all the facts and circumstances of the case, decided to permit the 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. However, the Respondent is cautioned to be more careful in future and exercise due diligence in certification of forms and handling his professional assignments as a Company Secretary in Practice.

  
Member

  
Member



  
Member

  
Presiding Officer