

**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/430/2018

Order reserved on: 23rd October, 2019
Order issued on : 4th November, 2019

Shri Manoj H. Shah (FCS-4238) (CP-2499)

....Complainant

Vs.

Shri Mahesh Deepak Palimkar (FCS-10355) (CP-11576)

....Respondent

CORAM:

Shri Deepak Kumar Khaitan, Presiding Officer
Shri Manish Gupta, Member
Shri Ashok Kumar Dixit, Member

Present:

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

ORDER

1. The Board of Discipline on 29th August, 2019 had after considering the materials on record, *prima-facie* opinion of the Director (Discipline), all the facts and circumstances of the case, the nature of issues involved and given the totality of the circumstances of the case had held the Respondent "Guilty" of professional misconduct under Item (8) of Part I of First Schedule to the Company Secretaries Act, 1980 as the Respondent had accepted the assignment of certification of the Annual Return of M/s. Dharashiv Sakhar Karkhana Limited for the year 2016-17 without first communicating with the Complainant, who had certified the same for the previous year for the said company. The Board of Discipline had further in terms of sub-rule (1) of Rule 15 of the Company Secretaries (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007 decided to grant an opportunity of being heard to the Respondent before passing any order under Section 21A(3) of the Company Secretaries Act, 1980.
2. Accordingly, the Respondent *vide* letter dated 11th October, 2019 was called upon to appear before the Board of Discipline on 23rd October, 2019 at New Delhi.



3. In the meantime, the Respondent vide his email dated 17th October, 2019 sent a scanned copy of his undated letter along with a scanned copy of the withdrawal letter of the Complainant.
4. On 23rd October, 2019, neither the Complainant nor the Respondent appeared before the Board of Discipline. The Board of Discipline while considering the request for withdrawal of the complaint observed that it has already held the Respondent Guilty of professional misconduct under Item (8) of Part I of First Schedule to the Company Secretaries Act, 1980 and that the Respondent has accepted his mistake in his letter dated 17th October, 2019 addressed to the Complainant attached with the withdrawal letter of the Complainant.
5. After detailed deliberations, the Board is of considered view that circumstances do not warrant withdrawal of the complaint at this stage. Accordingly, the Board decides not to permit withdrawal of complaint and after considering the material on record, previous orders of the Board of Discipline, the nature of issues involved and the totality of the circumstances of the case including the withdrawal request of the Complainant, passes the following order against the Respondent under Section 21A(3) of the Company Secretaries Act, 1980 read with Rule 15(1) of the Company Secretaries (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007:

Reprimand

Accordingly, the Complaint is closed and stands disposed-off


Member


Member


Presiding Officer

