

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/485/2019

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

S/Shri Vijay Kumar Sharma & Rakesh BhardwajComplainants
A-8/76, First Floor
Sector-16, Rohini
Delhi-110089

Vs

Ms. Swati Chhabra (A-51327)Respondent
A-8/79, Second Floor
Sector -16, Rohini
Delhi-110089

CORAM:

Shri Deepak Kumar Khaitan, Presiding Officer

Shri Manish Gupta, Member

Shri Ashok Kumar Dixit, Member

Present:

Mrs. Meenakshi Gupta, Director (Discipline)

Shri Vikash Kumar Srivastava, Deputy Director, Disciplinary Directorate

ORDER

1. A Complaint dated 22nd April, 2019, in Form I is filed by Shri Vijay Kumar Sharma & Shri Rakesh Bhardwaj (hereinafter referred to as 'the Complainants') against Ms. Swati Chhabra (A-51327) (hereinafter referred to as 'the Respondent') under Section 21 of the Company Secretaries Act, 1980 (hereinafter referred to as '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 (hereinafter referred to as 'the Rules').
2. The Complainants have stated that the Complainants and the Respondent are residing in the same colony and the Respondent is indulging in wrong and malafide activities in her locality. The Complainants in their Complaint dated 22nd April, 2019 has alleged that the Respondent is involved in fights and uses abusive language with the local residents of the colony. The Respondent has been regularly threatening the Complainants, saying that being a certified CS and



Advocate, she will take action against people of the colony to hide her own misbehaviour. The family of Respondent is in habit of parking their car in the middle of the street around evening hours in the block. On 16th February, 2019 all residents of pocket have been given a written Complaint to Police Station against her family. The Respondent has turned parking issues of car into a Complaint of sexual assault. On 17th February, 2019, the Respondent has deliberately indulged in the arguments with the members of Resident Welfare Association of the colony and started pushing and hitting the residents. She has also called PCR van and made false allegations in Police Station against the residents of the colony. On 18th February, 2019 the Respondent with her brother provoked one of the residents by using very unlawful and abusive language against the male members and deliberately started the fighting. Immediately after the fight, whole family flew to the Police Station and filed FIR 0057/2019 of sexual harassment wherein she has made allegations against the children of the Complainants as well. All the residents are against her and they also filed counter Complaint against the Respondent and her family for harassment and false allegations.


3. The Complainants have alleged that the conduct of the Respondent has caused disrepute to the Institute and requested to investigate the matter and take strict action against the accused and set an example in the eyes of the society, that if a person is taking any professional degree he/she should never misuse the same against the general public.
4. The Respondent in her written statement dated 14th May, 2019 has stated that the entire Complaint is based on falsehood and the Complainants are not only misusing this forum to undermine the Respondent but they also wanted to create pressure upon the Respondent to withdraw the Complaint filed against them. The neighbourhood raised objection on parking of car of Respondent's father in common parking area in front of the house, to which the neighbourhood had objection. On 17th February, 2019 two of her neighbours Ms. Vineeta Goswami and Ms. Seema had beaten her mother which led to calling of the Police. Subsequently, both the ladies apologised for their conduct in writing. Due to this incident, the Complainants instigated the members of the Respondent's family and in pre-planned manner assaulted the brother of the Respondent and also misbehaved and outraged the modesty of the Respondent. FIR No 0057/2019 was filed with P.S.K.N. Katju Marg Police Station, Sector 16, Rohini and Delhi. The Investigating Officer has already submitted the case before the Hon'ble Court and till the matter is sub-judice, no proceeding before these authorities lies. Children of the Complainants are the main accused in the FIR registered by the Respondent.
5. The Complainants in their rejoinder dated 29th May, 2019 has reiterated the allegations and stated the Complaint has been filed with the Institute on the basis of written statements made by three residents of Block A 8, affidavit of eye witness and CCTV footage and refuted the allegation of the Respondent that the Complainants are trying to pressurise the Respondent to withdraw the FIR. The Complainants have also negated the claim of the Respondent that her brother had been seriously injured while the Investigating Officer's Report dated 18th February, 2019, (MLC No.40593) filed in the Court has defined the nature of injury as 'SIMPLE' nature of injuries of her brother. The Complainants have also informed that one of the residents Ms. Shalini Verma resident of Block A-8, has also logged



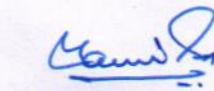
FIR against the brother, father and friends of the Respondent for sexual harassment and threatening her.

6. Pursuant to Rule 9 of the Rules, the Director (Discipline) after examining the material on record formed prima-facie opinion dated 15th October, 2019 wherein Director (Discipline) in view of invoking Item (2) of Part IV of the First Schedule to the Act, by the Complainants opined that the instant matter may be referred to the Council for its opinion as to whether the acts of the Respondent as alleged in the Complaint have brought disrepute to the profession and/or the Institute or not, as per Item (2) of Part IV of the First Schedule to the Company Secretaries Act, 1980.
7. The prima-facie opinion dated 15th October, 2019 of Director (Discipline) was placed before the Board of Discipline its meeting held on 23rd October 2019 for its consideration.
8. The Board of Discipline after considering all the material on record and all the facts and circumstances of the case in totality is of the opinion that since the allegations/counter allegations are under investigation by the police and the matters are sub-judice before Court of Law, it is not appropriate to initiate proceedings under the Act at this stage. The Complainants, if so desire, are at liberty to file a complaint against the Respondent under the Act in case, if any adverse finding by the Court of Law is made against the Respondent.


Accordingly, the Complaint is closed and stands disposed-off.



Member



Member



Presiding Officer

