

**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/492/2019

Order reserved on: 30th August, 2019

Order issued on: 30th August, 2019

M/s. Titanium Industries India Private Limited  
Through Shri Vasanth Kulai Kini (Managing Director)

....Complainant

Vs.

Shri Pramod Shantilal Shah, FCS-334, CP-3804

.....Respondent

**CORAM:**

Shri Deepak Kumar Khaitan, Presiding Officer

Shri Manish Gupta, Member

Shri Ashok Kumar Dixit, Member

**Present:**

Shri Vikash Kumar Srivastava, Deputy Director, Disciplinary Directorate

**ORDER**

1. A Complaint dated 19<sup>th</sup> June, 2019 in Form-'I' has been filed by M/S Titanium Industries India Private Limited through Shri Vasanth Kulai Kini (Managing Director)(hereinafter referred to as 'the Complainant') against Shri Pramod Shantilal Shah, FCS-334, CP-3804,(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 Complainant has inter-alia alleged that the Respondent has filed eForm AOC-4 at MCA portal vide SRN G274355452 in which Audited Accounts of M/s Indo-American Chambers of Commerce is signed by Shri Vasanth Kulai Kini on 12<sup>th</sup> November, 2016, have wrongly been shown as 21<sup>st</sup> September, 2016 and at three places alleged date has been struck off by some unknown person.
3. The Respondent in his written statement dated 20<sup>th</sup> July, 2019 has inter-alia stated that he has not certified the impugned eForm AOC-4 of M/s Indo-American Chamber of Commerce for financial year 2015-16, hence, the complaint has no substance and should be dismissed and




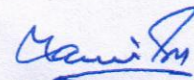



the Respondent reserves his right to lead evidence in support of his submission, right to cross examine the Respondent and right to be heard in person and through his counsel in case the matter is enquired further.

4. The Complainant in his rejoinder dated 8<sup>th</sup> August, 2019 has inter alia stated that the impugned eForm AOC-4 has been certified by CA Rakesh Prahladrai Parik ICAI Membership-114462, which has been uploaded by the Respondent on MCA portal through his account at MCA portal.
5. It is evident from the rejoinder of the Complainant that the impugned eForm AOC-4 has been certified by Chartered Accountant which has been filed by the Respondent through his account on MCA portal.
6. The Board of Discipline in its meeting held on 30<sup>th</sup> August 2019 considered the prima-facie opinion dated 22<sup>nd</sup> August, 2019 of the Director (Discipline) that the Respondent is not guilty of Professional or other Misconduct under the Company Secretaries Act, 1980 for the allegations made in the Complaint as the Respondent has not certified the impugned form eForm AOC-4.
7. The Board of Discipline 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 agreed with the *prima-facie* opinion of the Director (Discipline), that the Respondent cannot be held Guilty of Professional or other misconduct under the Company Secretaries Act, 1980 for the allegation made in the Complaint as the Respondent has not certified the impugned form AOC-4.

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

  
Member

  
Member

  
Presiding Officer

