

BEFORE THE BOARD OF DISCIPLINE

THE INSTITUTE OF COMPANY SECRETARIES OF INDIA

ICSI/DC: 182/2012

In the matter of complaint of professional or other misconduct filed by Shri Saurabh Gupta, FCS-5468 against Ms. Dipti Gupta, ACS-13269.

Coram: Sudhir Babu C, Presiding Officer
Sutanu Sinha, Member

ORDER

1. A complaint dated 8th April, 2013 in Form-I was filed under Section 21 of the Company Secretaries Act, 1980 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 Shri Saurabh Gupta (FCS-5468) (hereinafter referred to as the 'Complainant') against Ms. Dipti Gupta, ACS-13269 (hereinafter referred to as the 'Respondent').
2. The Complainant has *inter-alia* alleged that the Respondent has accepted the assignment and issued a Compliance Certificate for the year ended 31st March, 2012 in respect of M/s. JKEW Forgings Ltd., without first communicating with the Complainant in writing as he had issued the Compliance Certificate in respect of the said company for the immediate preceding year. He has further alleged that the Respondent has issued the said Compliance Certificate even after knowing about the dispute in the management of the said company.
3. Pursuant to sub-rule (3) of Rule 8 of the Rules, a copy of the complaint was sent to the Respondent *vide* letter dated 11th April, 2013 calling upon her to submit the written statement.
4. The Respondent submitted the written statement dated 25th April, 2013. The Respondent has denied the allegations levied against her and has stated that she was appointed by the company and immediately thereafter she had sent a letter dated 20th July, 2012 to the Complainant informing about her appointment for issuing the Compliance Certificate for the financial year 2011-2012 for the said company.
5. Pursuant to sub-rule (4) of Rule 8 of the Rules, a copy of the written statement was sent to the Complainant *vide* letter dated 6th May, 2013 asking him to submit the rejoinder. The Complainant submitted the rejoinder dated 22nd May, 2013.
6. A letter dated 3rd July, 2013 was sent to the Respondent calling upon her to submit the proof of dispatch and receiving of the letter dated 20th July, 2012 addressed to M/s. Gupta Saurabh & Associates. A letter dated 12th July, 2013 was received from the Respondent submitting the proof of dispatch of the letter dated 20th July, 2012 addressed to M/s. Gupta Saurabh & Associates.

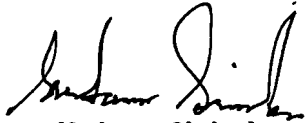


Sutanu Sinha

[Signature]

7. Pursuant to Rule 9 of the Rules, the Director (Discipline) examined the complaint, written statement, rejoinder and other material on record and opined that in view of the forgoing, the Respondent is *prima-facie* not guilty of professional misconduct under the Company Secretaries Act, 1980.
8. The Board on 13th August, 2013 considered the *prima-facie* opinion dated 26th July, 2013 of the Director (Discipline); material on record and agreed with the *prima-facie* opinion of the Director (Discipline) that the Respondent is not 'Guilty' of professional or other misconduct under the Company Secretaries Act, 1980 and closed the matter.

Accordingly, the complaint stands disposed-off.


(Sutanu Sinha)
Member


(Sudhir Babu C)
Presiding Officer

New Delhi
Date: 13th August, 2013

