

**BEFORE THE BOARD OF DISCIPLINE**  
**THE INSTITUTE OF COMPANY SECRETARIES OF INDIA**

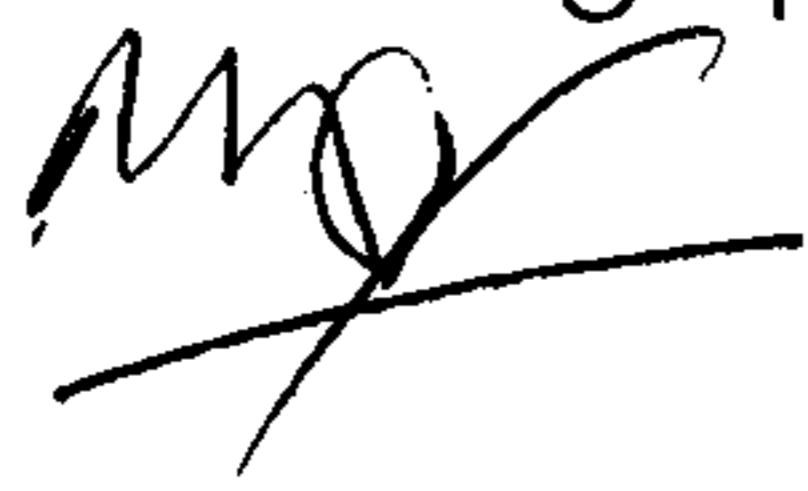
**DC: 134/2012**

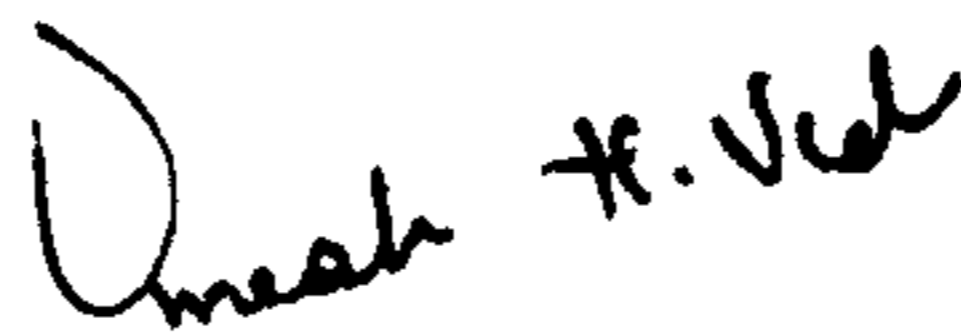
**In the matter of complaint of professional or other misconduct filed by Ms. Shyamoli Roy against Shri Mahesh Kumar Soni (FCS – 6022)(CP No. 6075).**

Coram: Harish K Vaid, Presiding Officer, Umesh H Ved, N K Jain, Members

**ORDER**

1. A complaint in Form I dated 15<sup>th</sup> April, 2012 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 Ms. Shyamoli Roy (hereinafter referred to as the 'Complainant') against Shri Mahesh Kumar Soni, FCS - 6022 (hereinafter referred to as the 'Respondent').
2. The brief of the allegation in the complaint is that the Complainant has alleged that the Respondent has verified false and fabricated Annual returns, Form 20B and Form 32 and helped Shri Prasanjit Roy (Son) and Ms. Minul Roy (Daughter- in-law) to grab the Company i.e. M/s. Advance Autotechnico Pvt. Ltd. on the false & fabricated documents.
3. Pursuant to sub-rule (3) of Rule 8 of the Rules, a copy of the complaint was forwarded to the Respondent vide letter dated 23<sup>rd</sup> April, 2012 calling upon him to submit his written statement. The Respondent submitted his written statement dated 10<sup>th</sup> May, 2012. Pursuant to sub-rule (4) of Rule 8 of the Rules, a copy of the written statement was forwarded to the Complainant vide letter dated 23<sup>rd</sup> May, 2012 calling upon her to submit the Rejoinder.







4. The Complainant *vide* letter dated 29<sup>th</sup> May, 2012 informed that she has amicably settled her dispute and requested the Institute to dispose of the complaint as withdrawn.
5. In this regard, the relevant provisions contained in the Company Secretaries Act, 1980 and the Company Secretaries (Procedure of Investigations of Professional and other Misconduct and Conduct of Cases) Rules, 2007 governing the withdrawal of the complaint are as under:

**Section 21 (5) of the Company Secretaries Act, 1980:**

"Where a complainant withdraws the complaint, the Director (Discipline) shall place such withdrawal before the Board of Discipline or as the case may be, the Disciplinary Committee, and the said Board or Committee may, if it is of the view that the circumstances so warrant, permit the withdrawal at any stage."

**Rule 6 of the Company Secretaries (Procedure of Investigations of Professional and other Misconduct and Conduct of Cases) Rules, 2007:**

"The Director, on receipt of a letter of withdrawal of a complaint by the complainant shall place the same before the Board of Discipline or the Committee, as the case may be, and the Board of Discipline or the Committee, as the case may be, may, if it is of the view that the circumstances so warrant, permit the withdrawal, at any stage, including before or after registration of the Complaint.

Provided that in case, the Director has not yet formed his *prima facie* opinion on such a complaint, he shall place the same before the Board of Discipline, and the Board of Discipline may, if it is of the view that the circumstances so warrant, permit the withdrawal".

6. The Director (Discipline) had not yet formed his *prima-facie* opinion in the matter.
7. The Disciplinary Committee at its 34<sup>th</sup> meeting held on Thursday, the 16<sup>th</sup> August, 2012 considered the matter and in view of the aforesaid provisions referred the matter to Board of Discipline as the *prima-facie* opinion of the Director (Discipline) was yet to be formed.



Omesh H. Voh

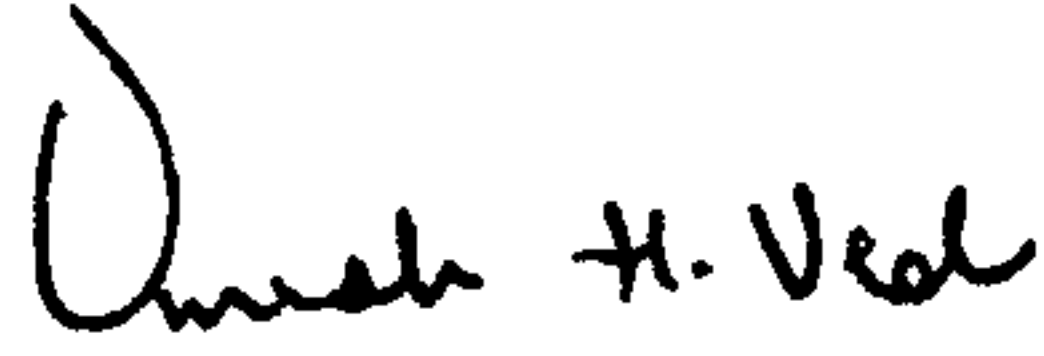


8. The Board of Discipline at its meeting held on 25<sup>th</sup> August, 2012 considered the matter vis-a-vis the provisions of the Company Secretaries Act, 1980 and the Company Secretaries (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007 governing withdrawal of a complaint permitted the withdrawal of the complaint and closed the matter.

Accordingly, the complaint stands disposed-off.



(N. K Jain)  
Member



(Umesh H Ved)  
Member



(Harish K Vaid)  
Presiding Officer

Date: 25<sup>th</sup> August, 2012