

BEFORE THE BOARD OF DISCIPLINE

THE INSTITUTE OF COMPANY SECRETARIES OF INDIA

ICSI/DC: 136/2012

In the matter of complaint of professional or other misconduct filed by Shri P S Chaudhary against Shri Pradeep Kumar Chawla (ACS-26881) (CP No.9665).


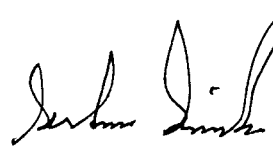
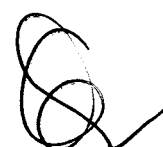
Date of Decision: 11th September, 2013

Coram: Sudhir Babu C, Presiding Officer
Umesh H Ved, Member
Sutanu Sinha, Member

ORDER

1. The Board of Discipline at its meeting held on 17th June, 2013 noted that neither party had appeared for hearing despite the notice(s) issued. The Board also noted that the Respondent has neither supplied the information called by the Director (Discipline) nor appeared before the Board in spite of being asked to do so. The Board concluded that the Respondent is 'Guilty' of professional misconduct for violating clause (2) of Part III of the First Schedule to the Company Secretaries Act, 1980 and decided to afford an opportunity of being heard to the Respondent before passing any order under Section 21A (3) of the Company Secretaries Act, 1980.
2. Accordingly, a copy of the order dated 13th August, 2013 passed by the Board of Discipline was sent to the parties vide letter dated 16th August, 2013. Further, the Respondent was called upon to appear before the Board of Discipline on 11th September, 2013 vide letter dated 16th August, 2013.
3. The Respondent appeared before the Board of Discipline on 11th September, 2013 and made oral submissions relating to the background of the complaint and reasons for his non appearance before the Board of Discipline. The Respondent also submitted a copy of the extract of Minutes of the Board meeting dated 3rd March, 2012 of M/s. Dashmesh Arts (India) Ltd., on which he had relied upon for the certification.
4. On enquiry from the Board of Discipline, the Respondent admitted to have received the copy of the complaint and he also confirmed that he had also received certain letters and also emails from the Disciplinary Directorate of ICSI relating to the matter.
5. The Board informed the Respondent that the complaint will be dealt on merits separately and asked the Respondent to submit his written statement on the complaint to which the Respondent agreed to submit within three working days.



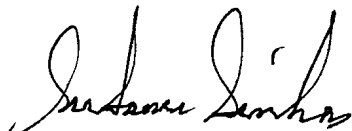
6. The Board after considering the submissions made by the Respondent, the written request of the Respondent for lenient view in the matter, the material on record; and in the totality of the issues involved in the matter, held the Respondent is 'Guilty' of professional misconduct for violating clause (2) of Part III of the First Schedule to the Company Secretaries Act, 1980 and passed the following order:

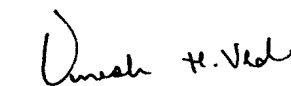
"Reprimand"

The Board also imposed a fine of Rs.500/- (Rupees five hundred only) on the Respondent to be paid within 30 days of issuance of this order.

The order shall be effective after the expiry of 30 days of issue of this order.

The Board further decided to send the copy of the written statement, if any received from the Respondent to the Complainant for his rejoinder. The Board with this direction referred the matter back to the Disciplinary Directorate for further investigation in the matter on merits.


(Sutanu Sinha)
Member


(Umesh H Ved)
Member


(Sudhir Babu C)
Presiding Officer

New Delhi
Date: 13th September, 2013

