

THE BOARD OF DISCIPLINE
THE INSTITUTE OF COMPANY SECRETARIES OF INDIA

ICSI/DC: 174/2013

In the matter of complaint of professional or other misconduct filed by Mr. Manoj Kumar against Mr. Sanjay Chandrasen Rane, ACS-12084.

Date of decision: 19th December, 2014

Coram: Mr. P K Mittal, Presiding Officer
Mr. Anil Murarka, Member
Mr. Sutanu Sinha, Member

ORDER

1. The Board of Discipline at its meeting held on 4th May, 2014 had considered the material on record and decided to provide last and final opportunity to the Respondent to appear before it. The Board also decided that in case the Respondent fails to appear, it shall proceed *ex-parte*. Accordingly, the Respondent *vide* letter dated 19th May, 2014 was called upon to appear before the Board on 23rd May, 2014. However, the meeting was postponed and the same was communicated to the Respondent *vide* letter dated 21st May, 2014. The Board also noted that the Respondent was asked to appear before the Board on 21st July, 2014 *vide* letter dated 11th July, 2014 but the Respondent did not appear.
2. We have observed that the Respondent neither appeared before us nor submitted any reply to the complaint. Hence, the contentions of the Complainant are deemed to have been admitted by the Respondent in absence of any specific denial as provided under order 8 rule 5 of the Civil Procedure Code, 1908. Hence, we have no difficulty in arriving at a conclusion that the Respondent is 'Guilty' of violation of Clause (2) of Part III of the First Schedule of the Company Secretaries Act, 1980. We afford an opportunity of being heard to the Respondent before passing any order under Section 21A (3) of the Company Secretaries Act, 1980.
3. We note that a copy of the order dated 8th October, 2014 was sent to the Respondent *vide* letter dated 9th October, 2014 and he was called upon to appear before the Board on 29th October, 2014 *vide* letter dated 16th October, 2014. The Board at its meeting on 29th October, 2014 observed that despite service of the notice, the Respondent neither appeared before it nor any communication has been received from him. In the interest of justice, the Board decided to afford



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Sutanu Sinha

Anil Murarka

