

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

ICSI/DC: 213 /2013

**In the matter of complaint of professional or other misconduct filed by Shri M R Kulkarni, FCS-2012 against Ms. Neha P Agrawal, FCS-7350 (CP No. 8048).**

**Date of decision: 21<sup>st</sup> July, 2014**

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

**ORDER**

1. A complaint dated 13<sup>th</sup> December, 2013 in Form 'I' was filed under Section 21 of the Company Secretaries Act, 1980 (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 (the Rules) by Shri M R Kulkarni, FCS-2012 (hereinafter referred to as the 'Complainant') against Ms. Neha P Agrawal, FCS-7350 (CP No. 8048) (hereinafter referred to as the 'Respondent'). The Complainant has *inter-alia* alleged that the Respondent has issued the Compliance Certificate(s) and certified Forms 20B, 23AC, 66 for the year ended 31<sup>st</sup> March, 2013 in respect of M/s. Bihani Binayake Cotex Pvt. Ltd. and M/s. Bihani Agro Industries Pvt. Ltd., (hereinafter referred as companies) without any prior notice to him. The Complainant further alleged that Respondent has become habituated in violating the professional ethics and code of conduct which can also be seen from the instances that the Respondent has obtained NOC in the past of M/s. Satyam Group Companies by using undue influence and pressure from MD of the Group.
2. Pursuant to sub-rule (3) of rule 8 of the Rules, a copy of the complaint was sent to the Respondent *vide* letter dated 3<sup>rd</sup> January, 2014 calling upon her to submit the written statement followed by a reminder dated 29<sup>th</sup> January, 2014. The Respondent submitted the written statement dated 23<sup>rd</sup> January, 2014 (received on 3<sup>rd</sup> February, 2014) wherein the Respondent has *inter-alia* stated that she has not violated Clause (6) of Part I of the First Schedule of the Company Secretaries Act, 1980. She further stated that she had not advertised or solicited the directors of the companies for professional work either directly or indirectly. She further stated that the directors of the said companies are not satisfied with the professional services provided by the Complainant and were looking for other Company Secretary. She further stated that



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