

THE BOARD OF DISCIPLINE

THE INSTITUTE OF COMPANY SECRETARIES OF INDIA

ICSI/DC: 221/2014

In the matter of complaint of professional or other misconduct filed by Ms. Deepthi Agarwal Bindal, FCS-5437 (CP No. 4860) against Mr. Ramakant Pathak, FCS-6131 (CP No. 6571).

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

ORDER

1. A complaint dated 28th January, 2014 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 Ms. Deepthi Agarwal Bindal, FCS-5437 (CP No. 4860) (hereinafter referred to as the 'Complainant') against Mr. Ramakant Pathak, FCS-6131 (CP No. 6571) (hereinafter referred to as the 'Respondent'). The Complainant has *inter-alia* alleged that the Respondent has issued the Compliance Certificates for the FY ending 2011-12 to M/s. Halwasiya Developments Pvt. Ltd., and M/s. Welldone Infrastructure Pvt. Ltd., without first communicating to her in writing as she had issued the Compliance Certificates to the said companies for the previous years.
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 30th January, 2014 calling upon him to submit the written statement. The Respondent submitted the written statement dated 10th February, 2014 wherein he has *inter-alia* stated that Clause (8) of Part I of The Company Secretaries Act, 1980 provides that a Company Secretary in Practice shall be deemed to be guilty of professional misconduct, "if he accepts the position of a Company Secretary in practice previously held by another Company Secretary in practice without first communicating with him in writing." The Respondent further stated that if any,



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