

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

ICSI/DC: 158/2012

Date of Decision: 11th September, 2013

In the matter of complaint of professional or other misconduct filed by Mr. Ganesh Bindal against Mr. D P Madan, FCS-5121 (CP No. 4087).

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

ORDER

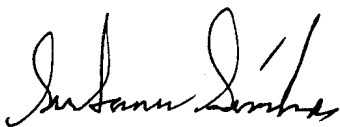
1. A complaint dated 25th October, 2012 in Form 'I' was filed under Section 21 of the Company Secretaries Act, 1980 read with sub-rule (1) of Rule 3 of the Company Secretaries (Procedure of Investigations of Professional and other Misconduct and Conduct of Cases) Rules, 2007 (the Rules) by Mr. Ganesh Bindal (hereinafter referred to as the 'Complainant') against Mr. D P Madan, FCS-5121(CP No. 4087) (hereinafter referred to as the 'Respondent').
2. The Complainant has *inter-alia* alleged that the Respondent has colluded with Mr. Harmandeep Singh and has misused his blank signed document.
3. Pursuant to sub-rule (3) of Rule 8 of the Rules, a copy of the complaint was sent to the Respondent *vide* letter dated 26th October, 2012 calling upon him to submit the written statement followed by a reminder dated 16th November, 2012. The Respondent submitted written statement dated 23rd November, 2012 wherein the Respondent denied the allegations levied against him.
4. Pursuant to sub-rule (4) of Rule 8 of the Rules, a copy of the written statement was sent to the Complainant *vide* letter dated 3rd December, 2012 asking him to file the rejoinder followed by a reminder dated 27th December, 2012. The Complainant submitted the rejoinder dated 7th January, 2013 wherein he reiterated his earlier submissions and *inter-alia* stated that he has also filed a petition under sections 397/398 of the Companies Act, 1956 before the CLB apart from the criminal proceedings against Mr. Harmandeep Singh for fraudulently selling the land of the company.



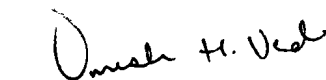
5. Pursuant to Rule 9 of the Rules, the Director (Discipline) examined the complaint, written statement, rejoinder and other material on record and was of the *prima-facie* opinion that the Complainant has not substantiated his allegations with evidence as alleged showing the connivance of the Respondent in misusing the blank signed document of the Complainant. Moreover, the allegations pertaining to the alleged fraud is under investigation by the Police as has been brought to the notice of the Institute. Therefore, the complaint may be kept in abeyance till it is established that the Respondent was involved in the alleged fraud. The concerned party(ies) may file the copy of the order/judgement in the matter, if any of the concerned Court in the Disciplinary Directorate of the Institute.

6. The Board considered the *prima-facie* opinion dated 26th July, 2013 of the Director (Discipline); material on record and agreed with the *prima-facie* opinion of the Director (Discipline) and decided that the matter be closed. The Complainant will be at liberty to file a fresh complaint along with the copy of order/judgement, if any of the concerned Court indicating the involvement of the Respondent in misusing the blank signed document of the Complainant.


Accordingly, the Complaints stands disposed off.



(Sutanu Sinha)
Member



(Umesh H Ved)
Member



(Sudhir Babu C)
Presiding Officer

Date: 13th September, 2013
New Delhi

