

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

ICSI/DC: 196/2013

In the matter of complaint of professional or other misconduct filed by Shri Sanjay Kumar Mahapatra, FCS-3488 against Shri Virendra Mohan Rathi, ACS-8032, (CP No. 3701):

Date of Decision: 9th January, 2014

Coram: Sudhir Babu C, Presiding Officer
Sutanu Sinha, Member

ORDER

1. The Board of Discipline at its meeting on 30th November, 2013 noted that neither the Complainant nor the Respondent had appeared before the Board. The Board considered the letter dated 19th November, 2013 received from the Respondent; e-mail dated 26th November, 2013 received from the Complainant; the material on record; The Board deliberated the matter at length and considering the nature of issues involved and in totality of the circumstances of this case held Mr. Virendra Mohan Rathi, ACS-8032, (CP No. -3701), the Respondent 'Guilty' under Clause (8) of Part 1 of the First Schedule of the Company Secretaries Act, 1980 and decided to give him an opportunity of being heard in terms of Section 21A (3) of the Company Secretaries Act, 1980 before passing any order.
2. A copy of the Order dated 30th November, 2013 passed by the Board of Discipline was sent to the Respondent *vide* letter dated 10th December, 2013 and he was also called upon to appear before the Board on 9th January, 2014.
3. The Respondent *vide* letter dated 16th December, while acknowledging the receipt of the Order dated 30th November, 2013 passed by the Board



Sutanu Sinha

[Signature]

of Discipline *inter-alia* stated that he will accept the verdict of the Institute and requested to proceed *ex-parte* on merit.

"I accept negligence on my part. I am extremely sorry for the lapse and shall ensure that such does not occur in future."

4. The Board of Discipline at its meeting on 9th January, 2014 noted that neither the Complainant nor the Respondent appeared before the Board. The Board considered the letter dated 16th December, 2013 received from the Respondent. The Board after detailed deliberations on the matter, admission of the Respondent and considering the material on record; nature of issues involved and in totality of the circumstances of this case, passed the following order.

Reprimand

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



(Sutanu Sinha)
Member



(Sudhir Babu C)
Presiding Officer

Date: 9th January, 2014

