

THE BOARD OF DISCIPLINE

THE INSTITUTE OF COMPANY SECRETARIES OF INDIA

IN THE MATTER OF COMPLAINT OF PROFESSIONAL OR OTHER MISCONDUCT

ICSI/DC: 237/2014

Date of Decision: 6th January, 2015

Ministry of Corporate Affairs (MCA)

....Complainant

Vs.

Mr. Naresh Kumar, FCS-5950

.... Respondent

ORDER

1. A complaint dated 8th May, 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 the MCA (hereinafter referred to as the 'Complainant') against Mr. Naresh Kumar, FCS-5950, CP No. 3615 (hereinafter referred to as the 'Respondents'). The Complainant has *inter-alia* stated that the Respondent was asked to resubmit e-Form 1 after deleting certain words as architect & finance from the object clause of the MOA as the same were not allowed as per circular issued by the MCA. The Complainant further stated that it was observed that there is a variation in the contents of the directors filled in the e-forms and information in the MOA were different as the MOA & AOA of different company has been attached with said e-Form 1. The Complainant further stated that the same was regretted by the Respondent *vide* email dated 3rd May, 2013.
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 22nd May, 2014 calling upon him to submit the written statement. The Respondent has *inter-alia* stated that the alleged e-Form 1 was not digitally signed by him. However, the same was digitally signed by the director of M/s. Adworth Media Pvt. Ltd. The



[Handwritten signatures]

