THE DISCIPLINARY COMMITTEE OF
THE INSTITUTE OF COMPANY SECRETARIES OF INDIA
DC: 97/2011
IN THE MATTER OF COMPLAINT OF PROFESSIONAL OR OTHER MISCONDUCT
Shri P Lall .......COMPLAINANT

Versus
Shri Kamal Kumar Jhawar .....RESPONDENT

ORDER

1. The Institute had received a complaint dated 23rd June, 2011 from Shri P Lall (hereinafter referred to as the ‘Complainant’) against Shri Kamal Kumar Jhawar, ACS – 6470 (CP- 4018) (hereinafter referred to as the ‘Respondent’), alleging inter-alia as under:

   a) The Respondent vide his letter dated 4th June, 2002 had given a wrong opinion to M/s. Boat House Club Ltd., Nainital which was in gross violation of provisions of Section 225 of the Companies Act, 1956.

   b) The Respondent has knowingly referred to Section 188 and 190 of the Companies Act, 1956, which was not relevant at all in the context of proposal to appoint an auditor in place of retiring auditor in the Annual General Meeting.

2. Pursuant to sub-rule (3) of Rule 8 of the Company Secretaries (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007 (the Rules) a copy of the complaint was sent to the Respondent vide letter dated 7th July, 2011 asking him to submit his written statement which was returned undelivered. The Complainant vide letter dated 8th July, 2011 was asked to specify the clause(s) of the First/second Schedule of the Company Secretaries Act, 1980 under which he has filed the complaint. A copy of the complaint was again sent to the Respondent vide letter dated 15th July, 2011 followed by a reminder dated 5th October, 2011 asking him to submit his written
statement. However, the written statement has not been received till date.

3. The Director (Discipline) pursuant to Rule (9) of the Rules examined the complaint and other material on record and was of the prima-facie opinion that the Respondent is not guilty of professional misconduct under the Company Secretaries Act, 1980. The Director (Discipline) placed his prima-facie opinion dated 1st May, 2012 before the Disciplinary Committee at its 32nd meeting held on Friday the 1st June, 2012 for its consideration.

4. The Disciplinary Committee at its 32nd meeting held on 1st June, 2012 considered the prima-facie opinion of the Director (Discipline) and the material on record, came to the conclusion that the Respondent is not guilty of Professional or other Misconduct and closed the matter. Accordingly, the complaint stands disposed-off.

(B Narasimhan) Member
(S K Tuteja) Member
(Gopalakrishna Hegde) Member

(Nesar Ahmad) Presiding Officer

New Delhi
Date: 9th July, 2012