

THE DISCIPLINARY COMMITTEE
THE INSTITUTE OF COMPANY SECRETARIES OF INDIA
IN THE MATTER OF COMPLAINT OF PROFESSIONAL OR OTHER MISCONDUCT
ICSI/DC/296/2015

Order reserved on: 19th September, 2016
Order issued on: 12.11.2016

Ministry of Corporate Affairs

.... Complainant

Vs

Ms. Deepika Dhiman, ACS-21848, (CP No. 9814)

.... Respondent

Present:

Director (Discipline)
Respondent along with her authorized Representative Mr. Ajay Kumar

FINAL ORDER

1. The Disciplinary Committee at its meeting held on 28th December, 2015 agreed with the *prima-facie* opinion dated 5th October, 2015 of the Director (Discipline) that the Respondent is *prima-facie* 'Guilty' of professional misconduct under Item (7) of Part-I of the Second Schedule to the Company Secretaries Act, 1980 as she did not exercise necessary due diligence while performing his professional duties and she is also *prima-facie* 'Guilty' of professional misconduct under Item (2) of Part III of the First Schedule to the Company Secretaries Act, 1980 as she has not submitted her Written Statement. The Disciplinary Committee decided to



Handwritten signatures in blue ink are present below the stamp and the text. There are five distinct signatures, including one that appears to be 'Ajay Kumar'.

proceed further in the matter in accordance with the Company Secretaries Act, 1980 (the Act) and the Company Secretaries (Procedure of Investigations of Professional and other Misconduct and Conduct of Cases) Rules, 2007 (the Rules).

2. The Disciplinary Committee at its meeting held on 27th August, 2016 considered an email dated 19th August, 2016 received from the Respondent informing that she is not able to appear for hearing before the Disciplinary committee on 27th August, 2016. Accordingly, the Disciplinary Committee in terms of the Rule 18 of the Rules, decided to adjourn this matter to the next date of hearing, as may be decided by the Presiding Officer of the Disciplinary Committee.
3. On 19th September, 2016, the Respondent along with her authorised representative Mr. Ajay Kumar appeared and made oral submissions before the Disciplinary Committee. The Respondent accepted that of having certified the annual filing e-forms 23AC and 23ACA of M/s. Panthera Developers Pvt. Ltd. for the year ended 31st March, 2012 vide SRN P89317242, without attaching the Balance Sheet and Profit and Loss Account, Auditors Report and Directors Report. The Respondent submitted that some files were not attached to these e-forms inadvertently, in a process of segregating various files from a single scanned document file, which was bulky in size. The Respondent further submitted that unfortunately, she is not having any such files with her as her computer system was formatted. The Respondent also submitted that she has neither approached the office of Registrar of Companies for rectification neither she has tried to re-submit these forms for rectification. **The Respondent accepted her mistake before the Disciplinary Committee and pleads herself guilty of not having filed the alleged e-forms without attachment of the aforesaid documents, inadvertently.**
4. **Under Sub-rule (8) of the Rule 18 of the Rules, the Disciplinary Committee recorded the plea of the Respondent of being pleaded guilty and decided to take action as per the provisions under Rule 19 of the Rules.**
5. On request of the Respondent, the Disciplinary Committee decided to provide her an opportunity of being heard before it under Rule 19 (1) of the Rules on the same day i.e. 19th September, 2016 itself.

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]



6. Accordingly, an opportunity of being heard has been provided to the Respondent on 19th September, 2016 before passing any order by the Disciplinary Committee under Section 21B (3) of the Company Secretaries Act, 1980, in terms of sub-rule (1) of Rule 19 of the Company Secretaries (Procedure of Investigations of Professional and other misconduct and conduct of cases) Rules, 2007.
7. The Disciplinary Committee considered all the material on record; the nature of issues involved and in the totality of the circumstances of this case, passes the following order under Section 21B (3) of the Company Secretaries Act, 1980 read with Rule 19(1) of the Company Secretaries (Procedure of Investigations of Professional and other misconduct and conduct of cases) Rules, 2007: -

- i) Reprimand; and
- ii) Fine of Rs. 5000/-, payable within 60 days from the date of issue of this order.



Ahalada Rao V
Member

Santosh Kumar Agrawala
Member

Nalin Kohli
Member

Meenakshi Datta Ghosh
Member

Mamta Binani
Presiding Officer