

**THE DISCIPLINARY COMMITTEE
THE INSTITUTE OF COMPANY SECRETARIES OF INDIA
IN THE MATTER OF COMPLAINT OF PROFESSIONAL OR OTHER MISCONDUCT**

ICSI/DC/223/2014

Order Reserved on: 20th February, 2019

Order issued on: 11 MAR 2019

Shri Navin A Patel

.....Complainant

Vs.

Shri Mahesh Soni, FCS-3706, CP No. 2324

.....Respondent

Present:

Mrs. Meenakshi Gupta, Director (Discipline)

Shri Gaurav Tandon, Assistant Director

Respondent in person

FINAL ORDER

1. The Disciplinary Committee vide its Order reserved on 7th December, 2018 issued on 7th January, 2019 after considering the material on record; arguments adduced before it by both the parties; *prima-facie* opinion of the Director(Discipline) and after considering all the facts and circumstance of the matter held the Respondent Guilty of Professional Misconduct under Clause (7) of Part-I of the Second Schedule to the Company Secretaries Act, 1980 for not exercising due diligence while certifying Form 32 pertaining to cessation of the Complainant from the directorship of M/s. Subray Catal Chem Pvt. Ltd.
2. The Disciplinary Committee had also decided to provide an opportunity of being heard to the Respondent pursuant to sub-rule (1) of Rule 19 of the Company Secretaries (Procedure of Investigations of Professional and other Misconduct and Conduct of Cases) Rules, 2007.
3. Accordingly, the Respondent vide letter dated 8th February, 2019 was called upon to appear before the Disciplinary Committee on 20th February, 2019 to be informed of the penalty which will be imposed.
4. On 20th February, 2019, the Respondent appeared in person and stated that he has already made his oral and written submissions before the Disciplinary Committee in the earlier hearings in the matter. The



Disciplinary Committee in order to ascertain the quantum of penalty raised certain questions to the Respondent related to the forms certified by him which he could not answer and while admitting his guilt, he requested the Disciplinary Committee to take a lenient view in the matter. The Respondent further stated that apart from the instant complaint and other related complaint i.e. ICSI/DC/287/2015 no other complaint of professional or other misconduct has been filed against him in the Institute. He further assured the Committee to be more careful in future.

5. After considering all the material on record, previous orders of the Disciplinary Committee in this matter, totality of the circumstances and the request of the Respondent to take a lenient view in the matter, the Disciplinary Committee passes the following order against the Respondent 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:

(a) Reprimand

(b) Fine of Rs. 10,000/- (Rupees ten thousand only) payable within 45 days from the date of receipt of this final order.

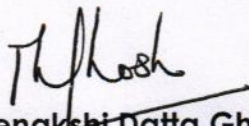
In case of failure of the Respondent to pay the fine of Rs. 10,000/- (Rupees Ten thousand only) within the stipulated time period, his name shall be removed from the Register of Members of the ICSI for a period of 30 days.



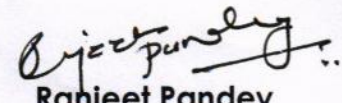
Nagendra D. Rao
Member



B Narasimhan
Member



Meenakshi Datta Ghosh
Member



Ranjeet Pandey
Presiding Officer