

THE DISCIPLINARY COMMITTEE

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

ICSI/DC/316/2015

Date of hearing on: 29th October, 2018

Order Issued On: 29 OCT 2018

Shri Hitender Kumar Mehta, FCS-3946

...Complainant

Vs.

Shri Rajiv Bajaj, FCS-3662

.....Respondent

Present:

Respondent in person

Mrs. Meenakshi Gupta, Director (Discipline)

FINAL- ORDER

1. The Disciplinary Committee on 11th & 12th September, 2018, after considering all material on record, the provisions of the Company Secretaries Act, 1980, Regulations and Rules made there under i.e. the legal opinions sought in the matter; the *prima-facie* opinion; Further Investigation Reports of the Director (Discipline); the written and oral submissions of both parties; and finally, after examining the totality of facts and circumstances in this matter, the Disciplinary Committee held that Respondent has failed to establish that he was not enrolled as an Advocate on 26th August, 1997 with the Bar Council of Punjab and Haryana i.e. the date on which he made the declaration in Form D. Further, the Respondent has also failed to establish that his declaration in Form D about non-enrolment as an Advocate is true and correct.
2. Accordingly, the Disciplinary Committee, after considering all this material available on record together with the arguments adduced before it by both the parties, and given the totality of the facts and circumstances of this matter was of the opinion that Respondent is GUILTY of Professional Misconduct under clause (1) and clause (3) of Part-II of the Second Schedule to the Company Secretaries Act, 1980 for making false declaration in his application in Form 'D' and for violating Regulation 168 of the Company Secretaries Regulations, 1982. The Disciplinary Committee further decided that prior to passing any order under Section 21B (3) of the Company Secretaries Act, 1980 in terms of sub-rule (1) of rule 19 of the Company

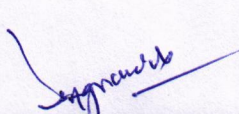


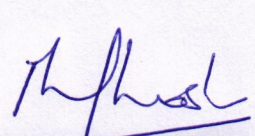
Act, 1980 in terms of sub-rule (1) of rule 19 of the Company Secretaries (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007, that an opportunity of being heard be given to the Respondent.

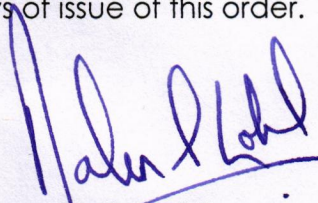
3. Accordingly, a copy of the aforesaid order of the Disciplinary Committee was sent to the parties and the Respondent was called upon to appear before the Disciplinary Committee on 29th October, 2018 at New Delhi.
4. On 29th October, 2018, the Respondent appeared in person, and was given due opportunity of being heard.
5. The Disciplinary Committee after considering all the material on record, previous orders of the Disciplinary Committee in this matter, and given the totality of the circumstances especially the fact that this issue pertained to a matter which itself is about 20 years old whereby the Respondent held a dual membership of the Institute and the Bar Council of Punjab and Haryana for a limited period of about 7 months, and also since nothing has been brought on record to show that any impact/damage /injury had been caused by the Respondent to any other person during the said period, 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:

REPRIMAND

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


CS Santosh Kumar Agrawala
Member


Meenakshi Datta Ghosh
Member


Nalin Kohli
Presiding Officer

