

**THE DISCIPLINARY COMMITTEE  
THE INSTITUTE OF COMPANY SECRETARIES OF INDIA**

ICSI/DC/NI/2012

IN THE MATTER OF COMPLAINT OF PROFESSIONAL OR OTHER MISCONDUCT

Date of Decision: 22<sup>nd</sup> April, 2013

ROC (NCT of Delhi & Haryana)

....Informant

Vs

Shri Charan Das Agarwal (FCS-2707)


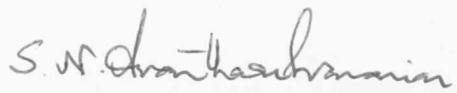
.....Respondent

**ORDER**

1. The Disciplinary Committee at its meeting held on 10<sup>th</sup> December, 2012 had considered the *prima-facie* opinion dated 8<sup>th</sup> December, 2012 of the Director (Discipline) and had advised to obtain confirmation from the MCA as to whether the complaint filed has been authorised by an officer holding a post not below the rank of a Joint Secretary or equivalent and has been signed by an officer holding a post not below the rank of an Under Secretary or equivalent in the Central Government.
2. Accordingly, a letter dated 13<sup>th</sup> December, 2012 was written to the MCA asking as to whether the complaint filed has been authorised by an officer holding a post not below the rank of a Joint Secretary or equivalent and has been signed by an officer holding a post not below the rank of an Under Secretary or equivalent in the Central Government.
3. The Disciplinary Committee at its meeting held on 17<sup>th</sup> January, 2013 had noted that no reply has been received from the MCA and therefore further directed that a reminder be sent to the MCA. Accordingly, reminders dated 23<sup>rd</sup> January, 2013 and 11<sup>th</sup> February, 2013 were sent to MCA with a copy to the ROC, NCT Delhi & Haryana. However, no reply has been received from the MCA.



4. The Disciplinary Committee noted that the MCA has not confirmed whether the complaint so filed has been authorised by an officer holding a post not below the rank of a Joint Secretary or equivalent and has been signed by an officer holding a post not below the rank of an Under Secretary or equivalent in the Central Government as required under sub-rule 2 of Rule 3 of Chapter II of the Company Secretaries (Procedure of Investigations of Professional and other Misconduct and Conduct of Cases) Rules, 2007.
5. The Disciplinary Committee decided to close the matter as the MCA did not confirm the aforesaid requirement.

  
**(S Balasubramanian)**  
Member  
**(B Narasimhan)**  
Member  
**(Gopalakrishna Hegde)**  
Member  
**(S N Ananthasubramanian)**  
Presiding Officer

New Delhi  
Date: 4<sup>th</sup> June, 2013