

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

DC: 119/2012

**IN THE MATTER OF COMPLAINT OF PROFESSIONAL OR OTHER MISCONDUCT**

**Ms. Sivagami Somasundaram**

**.....COMPLAINANT**

Vs

**Shri Arvind Kumar Tiwari**

**.....RESPONDENT**

**ORDER**

1. The Disciplinary Committee at its meeting held on 1<sup>st</sup> June, 2012 considered the *prima-facie* opinion dated 21<sup>st</sup> May, 2012 of the Director (Discipline); the material on record and agreed with the *prima-facie* opinion of the Director (Discipline) that the Respondent is 'Guilty' of Professional Misconduct under clause (7) Part 1 of the Second Schedule of the Company Secretaries Act, 1980 as he did not exercise due diligence in the conduct of his professional duties and decided to proceed further in the matter in accordance with Chapter V of the Company Secretaries (Procedure of Investigations of Professional and other Misconduct and Conduct of Cases) Rules, 2007.
2. Accordingly, a copy of the *prima-facie* opinion of the Director (Discipline) dated 21<sup>st</sup> May, 2012 together with the documents relied upon by the Director (Discipline) was sent to the Respondent *vide* letter dated 5<sup>th</sup> June, 2012 asking him to file the written statement to the *prima-facie* opinion along with supporting documents and list of witnesses, if any, to the Director (Discipline) with a copy to the Complainant latest by 18<sup>th</sup> June, 2012. A copy of the *prima-facie* opinion of the Director (Discipline) was also sent to the Complainant *vide* letter dated 5<sup>th</sup> June, 2012 asking her to submit the Rejoinder to the written statement of the Respondent along with the supporting documents and list of witnesses, if any, latest by 28<sup>th</sup> June, 2012.
3. The Respondent submitted the written statement dated 16<sup>th</sup> June, 2012. The Complainant *vide* letter dated 26<sup>th</sup> June, 2012 had requested for time up to the 15<sup>th</sup> July, 2012 for filing the Rejoinder. The Complainant submitted her Rejoinder dated 4<sup>th</sup> July, 2012.



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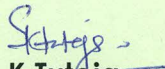
4. The Complainant and the Respondent were called upon to appear before the Disciplinary Committee at its meeting held on 16<sup>th</sup> August, 2012 vide letters dated 27<sup>th</sup> July, 2012.
5. The Disciplinary Committee at its meeting held on 16<sup>th</sup> August, 2012 heard the parties and after considering the material on record, concluded that the Respondent is 'guilty' of Professional Misconduct under Clause (7) of Part I of the Second Schedule of the Company Secretaries Act, 1980 as he did not exercise due diligence in the conduct of his professional duties while verifying and certifying the Form.32 for cessation of Shri Yasadhar Sharma as a director of M/s. Green Tree Foods Pvt. Ltd. The Committee, 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, had decided to afford an opportunity of being heard to the Respondent before passing an order under Section 21B(3) of the Company Secretaries Act, 1980.
6. Accordingly, a copy of the order dated 25<sup>th</sup> September, 2012 passed by the Disciplinary Committee was sent to the Respondent vide letter dated 25<sup>th</sup> September, 2012. Further, the Respondent was called upon to appear before the Disciplinary Committee at its meeting on 30<sup>th</sup> October, 2012, vide letter dated 17<sup>th</sup> October, 2012.
7. The Disciplinary Committee at its meeting held today considered the submissions made by the Respondent; the material on record and passed the following order:

"Reprimand"

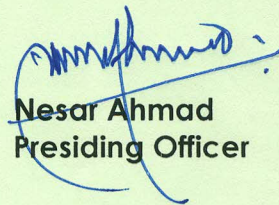
The order shall be effective after expiry of the 30 days of issue of this order.



**B Narasimhan**  
Member



**S K Tuteja**  
Member



**Nesar Ahmad**  
Presiding Officer

New Delhi  
Date: 30<sup>th</sup> October, 2012

