

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

ICSI/DC: 178/2013

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

Date of Decision: 30th July, 2013

M/s. Sai Gold India Enterprises Pvt. Ltd.

....Complainant

Vs

Mrs. Charu Vinayak

....Respondent

ORDER

1. A complaint in Form I dated 27th February, 2013 was filed under Section 21 of the Company Secretaries Act, 1980 (the Act) read with sub-rule (1) of Rule 3 of the Company Secretaries (Procedure of Investigations of Professional and other Misconduct and Conduct of Cases) Rules, 2007 (the Rules) by M/s. Sai Gold India Enterprises Pvt. Ltd., against Mrs. Charu Vinayak, ACS-23304 (CP No.8500) (hereinafter referred to as 'the Respondent').
2. The Complainant *vide* letter dated 19th July, 2013 has requested for withdrawal of the complaint.
3. Section 21 (5) of the Company Secretaries Act, 1980 provided as under –

“Where a complainant withdraws the complaint, the Director (Discipline) shall place such withdrawal before the Board of Discipline or as the case may be, the Disciplinary Committee, and the said Board or Committee may, if it is of the view that the circumstances so warrant, permit the withdrawal at any stage.”

Further, Rule 6 of the Company Secretaries (Procedure of Investigations of Professional and other Misconduct and Conduct of Cases) Rules, 2007 provides as under –

“The Director, on receipt of a letter of withdrawal of a complaint by the complainant shall place the same before the Board of Discipline or the Committee, as the case may be, and the Board of Discipline or the Committee, as the case may be, may, if it is of the view that the circumstances



[Handwritten signatures]

so warrant, permit the withdrawal, at any stage, including before or after registration of the complaint.

Provided that in case the Director has not yet formed his *prima-facie* opinion on such a complaint, he shall place the same before the Board of Discipline, and the Board of Discipline may, if it is of the view that the circumstances so warrant, permit the withdrawal".

4. The Director (Discipline) had formed his *prima-facie* opinion in the matter.
5. The Disciplinary Committee considered the letter received from the Complainant requesting for withdrawal of the complaint *vis-a-vis* the provisions of the Company Secretaries Act, 1980 and the Company Secretaries (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007 governing withdrawal of a complaint; permitted withdrawal of the complaint and closed the matter.

Accordingly, the complaint stands disposed-off.


(S K Tuteja)
Member


(B Narasimhan)
Member


(Gopalakrishna Hegde)
Member


(S N Ananthasubramanian)
Presiding Officer

Date: 30/8/13
New Delhi;

