

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

DC: 97/2011

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

**Shri P Lall**

....COMPLAINANT

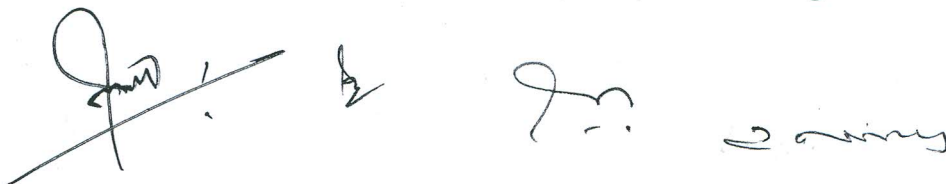
Versus

**Shri Kamal Kumar Jhawar**

.....RESPONDENT

**ORDER**

1. The Institute had received a complaint dated 23<sup>rd</sup> June, 2011 from Shri P Lall (hereinafter referred to as the 'Complainant') against Shri Kamal Kumar Jhawar, ACS – 6470 (CP- 4018) (hereinafter referred to as the 'Respondent'), alleging *inter-alia* as under:
  - a) The Respondent *vide* his letter dated 4<sup>th</sup> June, 2002 had given a wrong opinion to M/s. Boat House Club Ltd., Nainital which was in gross violation of provisions of Section 225 of the Companies Act, 1956.
  - b) The Respondent has knowingly referred to Section 188 and 190 of the Companies Act, 1956, which was not relevant at all in the context of proposal to appoint an auditor in place of retiring auditor in the Annual General Meeting.
2. Pursuant to sub-rule (3) of Rule 8 of the Company Secretaries (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007 (the Rules) a copy of the complaint was sent to the Respondent *vide* letter dated 7<sup>th</sup> July, 2011 asking him to submit his written statement which was returned undelivered. The Complainant *vide* letter dated 8<sup>th</sup> July, 2011 was asked to specify the clause(s) of the First/second Schedule of the Company Secretaries Act, 1980 under which he has filed the complaint. A copy of the complaint was again sent to the Respondent *vide* letter dated 15<sup>th</sup> July, 2011 followed by a reminder dated 5<sup>th</sup> October, 2011 asking him to submit his written

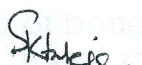


statement. However, the written statement has not been received till date.

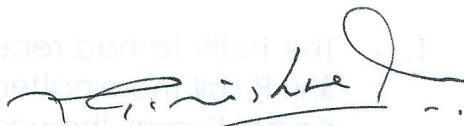
3. The Director (Discipline) pursuant to Rule (9) of the Rules examined the complaint and other material on record and was of the *prima-facie* opinion that the Respondent is not guilty of professional misconduct under the Company Secretaries Act, 1980. The Director (Discipline) placed his *prima-facie* opinion dated 1<sup>st</sup> May, 2012 before the Disciplinary Committee at its 32<sup>nd</sup> meeting held on Friday the 1<sup>st</sup> June, 2012 for its consideration.
4. The Disciplinary Committee at its 32<sup>nd</sup> meeting held on 1<sup>st</sup> June, 2012 considered the *prima-facie* opinion of the Director(Discipline) and the material on record, came to the conclusion that the Respondent is not guilty of Professional or other Misconduct and closed the matter. Accordingly, the complaint stands disposed-off.



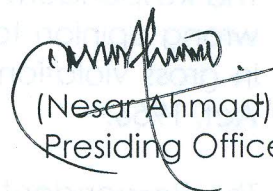
(B Narasimhan)  
Member



(S K Tuteja)  
Member



(Gopalakrishna Hegde)  
Member



(Nesar Ahmad)  
Presiding Officer

New Delhi  
Date: 9<sup>th</sup> July, 2012