

BEFORE THE DISCIPLINARY COMMITTEE OF THE ICSI

IN THE MATTER OF

Report of the Director (Discipline) on the complaint of professional or other misconduct filed under Section 21 of the Company Secretaries Act, 1980 by M/s. ByCell Telecommunications India Pvt. Ltd. against Shri P. K. Jain (FCS-1929).

Coram:

S/Shri

Vinayak S. Khanvalkar	Presiding Officer
Inder Kumar	Member
S. K. Agnihotri, IAS (retd.)	Member
S. P. Narang (Dr.)	Member

ORDER

P. K. Jain, the respondent appeared in person before the Disciplinary Committee and made oral submissions. He informed that he was not aware that the Certificate of Practice needs to be surrendered after undertaking an employment. Therefore he had not surrendered his certificate however he had sent a letter to the Institute in regard to cancellation of Certificate of Practice. He could not provide the evidence of having sent any such letter.

The Committee found the respondent guilty of the following:-

- (i) Having violated Resolution passed by the Council on 12th May, 1991 prohibiting the members in employment to simultaneously practice.
- (ii) the respondent ceased to be in practice w.e.f. 20th October, 2008 but did not surrender the Certificate of Practice thereby contravened sub-regulation (4) & (5) of Regulation 10 of The Company Secretaries Regulation, 1982 which provides as under -

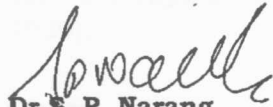
"(4) A member who ceases to be in practice shall not later than thirty days from the date he ceases to be in practice intimate the fact to the Council in writing.

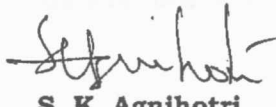
(5) A member who ceases to be in practice or whose certificate of practice has been cancelled under regulation 11 shall surrender forthwith the certificate then held by him to the Secretary."


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Therefore, after providing the opportunity of being heard to the respondent, the Disciplinary Committee passed the following orders.

"The name of Shri P. K. Jain be removed from the Register of Members for the period of 90 days effective from the date of order."


Dr. S. P. Narang
Member


S. K. Agnihotri
Member


Inder Kumar
Member


Vinayak S. Khanvalkar
Presiding Officer

Date: 6th July, 2010