

**THE DISCIPLINARY COMMITTEE
THE INSTITUTE OF COMPANY SECRETARIES OF INDIA
ICSI/DC: 164/2012**

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

Date of Decision: 28th March, 2014

Shri Dibakar Chatterjee

....Complainant

Vs

Shri Prabhat Kumar Banerjee, FCS -1192

....Respondent

ORDER

1. The Disciplinary Committee on 25th November, 2013 had noted that none of the parties appeared before it. The Complainant *vide* letter dated 1st November, 2013 (received on 25th November, 2013) *inter-alia* requested the Committee to decide the matter on merits.
2. The Disciplinary Committee after detailed deliberations and considering the material on record; nature of issues involved and in totality of the circumstances of this case; had concluded that the Respondent is 'Guilty' of professional misconduct under Clause (1) Part II of the First Schedule and Cause (1) Part II of the Second Schedule of the Company Secretaries Act, 1980 as the Respondent had paid / agreed to pay part of his emoluments to another person and has also contravened the Resolution dated the 12th May, 1991 passed by the Council of the Institute prohibiting the members holding the Certificate of Practice to engage in any business or occupation other than Practising as Company Secretary without general or specific permission of the Council.

The Disciplinary 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 afforded an opportunity of being heard to the Respondent before passing an order under Section 21B(3) of the Company Secretaries Act, 1980. Accordingly, *vide* letter dated 15th January, 2014, a copy of the Order dated 13th January, 2014 passed was sent to the Respondent. The Respondent was called



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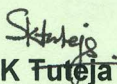
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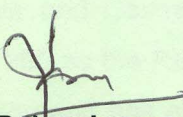
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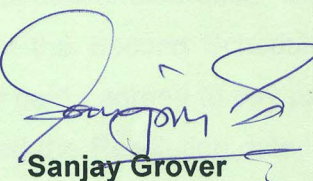
upon to appear before the Disciplinary Committee on 28th March, 2014 *vide* letter dated 10th March, 2014.

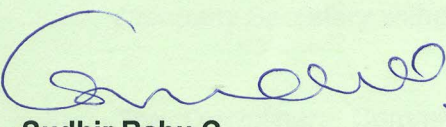
3. We have noted that a copy of Order dated 13th January, 2014 passed by the Disciplinary Committee was sent to the Respondent *vide* letter dated 15th January, 2014 and he has been called upon to appear before it today i.e. on 28th March, 2014 *vide* letter dated 10th March, 2014. We further note that the letter dated 10th March, 2014 sent to the Respondent returned undelivered. The Respondent did not appear before us.
4. We, after detailed deliberations and considering the material on record; nature of issues involved and in totality of the circumstances of this case, pass the following order under section 21B (3) of the Company Secretaries Act, 1980 read with proviso to Rule 19(1) of the Company Secretaries (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007.
 - (i) Removal of name of the Respondent from the Register of members for a period of 90 days, and
 - (ii) Impose fine of Rs. 1000/- on the Respondent.

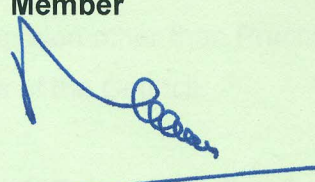
This order shall be effective after the expiry of 30 days of issue of the order.


S K Tuteja
Member


S Balasubramanian
Member


Sanjay Grover
Member


Sudhir Babu C
Member


R Sridharan
Presiding Officer

Date: 28th April, 2014

