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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CONT.CAS(C) 551/2018**

HITENDER KUMAR MEHTA Petitioner
Through: Mr Rajveer Singh and Mr Sameer
Gupta, Advocates.

versus

**INSTITUTE OF COMPANY SECRETARIES
OF INDIA (ICSI)** Respondent
Through: Mr R.D. Makheeja, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **27.07.2018**

1. The petitioner has filed the present petition, *inter alia*, complaining that the order passed by this Court on 22.05.2018 in W.P.(C) 5563/2016 has not been complied with inasmuch as the Disciplinary Committee has not passed a final order within a period of six weeks as directed.
2. The learned counsel appearing for the respondent referred to Rule 18 of the Company Secretaries (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007 and submitted that the procedure as envisaged in the Rule is elaborate and the same is likely to take some time.
3. A plain reading of Rule 18(6) of the said Rules indicates the Committee was required to fix a date for the first hearing within a period of 45 days from the date of receipt of the *prima facie* opinion. This Court is informed that the said opinion was received sometime in January 2018.

Thus, in an ordinary course the hearing should have been held within a period of 45 days from the receipt of the said opinion. However, this Court is informed that the Committee instead of proceeding further, had remanded the matter for seeking the opinion of a Senior Advocate. This too was received in April 2018.

4. Thus, in the aforesaid view, the grievance of the petitioner that the Committee has not proceeded with due despatch appears to be justified. It is apparent that the Committee has also failed to complete the proceedings within a period of six weeks as directed. However, given the procedure as prescribed under Rule 18 of the above-mentioned Rules, this Court is refraining from initiating any action as prayed for by the petitioner as it is understandable that the Committee may require further time to complete the proceedings.

5. Accordingly, it is directed that the Committee shall complete the proceedings on or before 30.10.2018. It is clarified that and no further time would be granted.

6. Needless to state that if this order is not complied with, the necessary action as prayed for by the petitioner shall follow.

7. The petition is disposed of.

VIBHU BAKHRU, J

JULY 27, 2018
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