HIGH COURT OF DELHI

NOTIFICATION

Delhi, the 22nd January, 2010

No. 22/Rules/DHC.—In exercise of the powers conferred by Section 7 of the Delhi High Court Act, 1966 (Act 26 of 1966) and all other powers enabling it, the Delhi High Court hereby makes the following rules, with respect to practice and procedure for the exercise of its jurisdiction under sub-section (6) of Section 21 and Section 30 of the Company Secretaries Act, 1980.

Chapter I

General

(1) **Short Title :** These rules may be called the Delhi High Court (Company Secretaries) Rules, 2008.

(2) **Commencement :** These Rules shall come into force with effect from such date as may be notified.

(3) **Application :** These rules shall apply to all cases forwarded under sub-sections (4) and (5) of Section 21 of the Company Secretaries Act, 1980 and the Appeals preferred under Section 30 of the said Act.

(4) **Definitions :** In these rules, unless the context otherwise requires :—

(a) 'Act' means the Company Secretaries Act, 1980.

(b) 'Institute' means the body corporate constituted under Section 3 of the Act by the name of the Institute of Company Secretaries of India.

(c) 'Council' means the council of the institute constituted under Section 9 of the Act.

(d) 'Disciplinary Committee' means the Committee constituted under sub-section (4) of Section 17 of the Act.

(e) 'Member' means the person who has been permitted to use the designation of Company Secretary under Section 7 of the Act and found guilty of misconduct by the Council after the receipt of the report of the Disciplinary Committee by the council under sub-section (3) of Section 21 of the Act.

(f) 'High Court' means Delhi High Court.

(g) 'Registrar General' means the Registrar General of the Delhi High Court.

(h) 'Reference' means the cases forwarded by the Council under sub-section (4) or under sub-section (5) of Section 21 of the Act to the Court.

(i) 'Appeal' means an appeal filed under Section 30 of the Act.

(5) Every Reference forwarded and every Appeal preferred shall be registered in separate registers maintained in electronic form or otherwise for this purpose as Company Secretaries Reference, for short CSR or Company Secretaries Appeal, for short CSA in the form given in Appendix 'A' or in any other form as may be prescribed from time to time.

Chapter II

Case forwarded under sub-sections (4) and (5) of Section 21 of the Act

(6) Every Reference forwarded by the Council shall be set out in concise form stating the misconduct alleged against the Member, result of the inquiry conducted by the Disciplinary Committee, names of the members of the Committee and grounds of forwarding the Reference.

(7) With every Reference forwarded, the Council shall file the following documents :—

(a) Certified copy of the complaint filed against the Member or the information received on the basis of which the proceedings were initiated against the Member;

(b) Certified copy of the report of the Disciplinary Committee along with the depositions of the witnesses recorded, the documents filed or relied upon by the Member or the Council;

(c) Certified copy of its opinion for forwarding the Reference, in case Reference is under sub-section (4) of Section 21 of the Act; and

(d) Any other document considered necessary for order on Reference under sub-section (6) of Section 21 of the Act.

(8) With every Reference, for service, the Council shall file its own postal address, FAX number and the designate electronic mail address, the postal address, FAX number and designate electronic mail address of the Central Government and the postal address of the Member and his FAX number and electronic mail address, if available.

(9) Every Reference shall be signed by the Secretary of the Council and supported by his or her own affidavit.

(10) At the time of filing the Reference, the Council shall furnish five extra copies of the Reference and the aforesaid documents along with 5 copies of the Reference and all the documents filed, stored in electronic form.

(11) After the filing of the Reference, the Register General or any other officer, so authorised in this behalf, shall list the same before the Court and cause the notice of the Reference, in the form given in Appendix 'A' to be served on the Member and the Central Government in the manner prescribed in Order V of the Code of Civil Procedure, 1908 for the service of summons upon a defendant in a suit.

(12) On the date the Reference is listed before the Court, the Court shall proceed to hear the Reference and or pass orders under sub-section (6) of Section 21 of the Act pass such orders as to the fresh service of notice on any of the parties or granting of time to the parties to file their replies in such further time, as may be considered appropriate.

(13) The Court may proceed to hear the Reference and pass orders under sub-section (6) of Section 21 of the

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Act, in the absence of any of the parties, if such a party fails to appear before it without any reasonable cause, after the service of the notice sent under Rule 11.

(14) The Registrar General or any other officer authorised in this behalf, shall transmit the digitally signed order or certified copy of the final order passed under sub-section (6) of Section 21 of the Act to the Council and the Central Government in accordance with directions of the Court.

Chapter III

Appeals preferred under Section 30 of the Act

(15) Every Appeal preferred by a Member shall be set out in concise form stating, the misconduct alleged against him, result of the inquiry conducted by the Disciplinary Committee and the grounds of Appeal.

(16) With every Appeal preferred, the Member shall file the following documents:

(a) Order communicated to him by the Council imposing on him any of the penalties referred to in clause (a) or clause (b) of sub-section (4) of Section 21 of the Act; and

(b) Any other document considered necessary for passing the orders on an Appeal under sub-section (2) of Section 30 of the Act.

(17) With every Appeal preferred, Member shall file his own postal address, FAX number and designate electronic mail address, if any, and the postal address, FAX number and the designate electronic mail addresses of the Council.

(18) Every Appeal preferred shall be signed by the Member and supported by his or her own affidavit.

(19) At the time of filing the Appeal, the Member shall furnish two extra copies of the Appeal and the aforsaid documents along with 3 copies of the Reference and all the documents filed, stored in electronic form.

(20) After the filing of the Appeal, the Registrar General or any other officer, so authorised in this behalf, shall list the same before the Court.

(21) The Court may on its own motion after calling for the record or otherwise, if considered necessary, direct notice of Appeal to be served on the Council. The notice shall be given in the form given in Appendix 'A' and served in the manner prescribed in Order V of the Code of Civil Procedure, 1908, for the service of summons upon a defendant in a suit.

(22) The Council shall, if the record has already not been called by the Court, produce within four weeks of the service of notice or in such time as the Court may direct following documents:

(a) Certified copy of the complaint filed against the Member or the information received on the basis of which the proceedings were initiated against the Member;

(b) Certified copy of the report of the Disciplinary Committee along with the depositions of the witnesses recorded, the documents filed or replied upon by the Member or the Council; and

(c) Any other document considered necessary for passing an order on the Appeal under sub-section (2) of Section 30 of the Act.

(23) The Registrar General or any other officer authorised in this behalf shall transmit the digitally signed order or certified copy of the final order passed sub-section (2) of Section 30 of the Act to the Council in accordance with the directions of the Court.

Chapter IV

Miscellaneous

(24) **Reference and Appeals to be heard by a Bench :** Every Reference forwarded or an Appeal preferred shall be heard by a Bench consisting of not less than two Judges to be nominated by the Chief Justice. In case of difference of opinion between the Judges comprising the Bench, the point of difference shall be decided in accordance with the procedure referred to in clause 26 of the Letters Patent.

(25) **Taxation of Cost :** Taxation of cost shall be as in Regular First Appeal in civil cases.

(26) **Process Fees :** Process fee shall be charged according to the table of fees given in Chapter 5, Part B of Delhi High Court Rules and Orders, Vol. V. The Council or the Member, as the case may be, however, shall itself or himself bear the cost of serving the notice on the respondents, by any of the modes of service referred to in Order V, Rule 9 of the Code of Civil Procedure, 1908.

(27) **Court Fees in case of an Appeal :** The Court Fees shall be payable on an Appeal filed under Section 30 of the Act, according to Article 11 of Schedule II of the Court Fees Act, 1870, as applicable to Delhi.

(28) **Court Fees in case of Reference :** The Court Fees shall be payable on a Reference forwarded under sub-section (5) of Section 21 of the Act, according to Article 1(d) (iii) of the Court Fees Act, 1870, as appicable to Delhi.

(29) **Preparation of Paper Book :** Ordinarily, it will not be necessary to prepare the paper book after the Reference or an Appeal is admitted for hearing. In case the paper book is directed to be prepared, it shall consist of :

(a) Index;

(b) The copy of the order of the Bench admitting the Reference or Appeal;

(c) Memorandum of Reference/Memorandum of Appeal, as the case may be;

(d) Copy of the complaint filed against the Member or the information received on the basis of which the proceedings were initiated against the Member;

(e) Copy of the report of the Disciplinary Committee along with the depositions of the witnesses recorded, the documents filed or relied upon by the member or the Council;

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(f) In case of Reference under sub-section (4) of Section 21 of the Act, copy of Council's opinion for forwarding the Reference;

(g) In case of an Appeal, the copy of the impugned order communicated by the Council to the Member; and

(h) Any other document filed with an Appeal or the Reference.

(30) **Saving of inherent powers of Court :** Notwithstanding anything contained in these rules, the Bench hearing the Reference or an Appeal may, in appropriate cases, excuse any of the parties from complying with any of the requirements of these rules and give such directions in the matters as may be necessary in the interest of justice.

By Order of the Court,
RAKESH KAPOOR, Registrar General

Appendix 'A'

Form No. 1

(Rule 5)

Register of Application

In the matter of
Company Secretaries Reference (CSR)

Serial No. of Company Secretaries Reference (CSR)	Date of presentation	Nature of application	Date and substance of final order
(1)	(2)	(3)	(4)

Form No. 2

(Rule 5)

Register of Application

In the matter of
Company Secretaries Reference (CSA)

Serial No. of Company Secretaries Appeal (CSA)	Date of presentation	Nature of application	Date and substance of final order
(1)	(2)	(3)	(4)

Form No. 3

(Rule 11)

In the High Court of Delhi at New Delhi

(In the matter of the Company Secretaries Act, 1980 and in the matter of Shri.....

Company Secretaries Reference (CSR) No. .....

.....Appellant(s)/Petitioner(s)

Vs.

.....Respondent(s)

Notice to .

Whereas the Council of the Institute of Companies Secretaries of India has filed a Reference in this Court with the report of the Disciplinary Committee, dated ..... and other documents in the above case.

Now take notice that the High Court will proceed to hear the said case and pass orders thereon on the..... I am, therefore, to request you to appear either in person or by an Advocate to make your submissions to the Hon'ble Court on ..... .

Given under my hand and the seal of the Court, this..... day of 20

Administrative Officer C.
for Registrar

Form No. 4

(Rule 21)

In the High Court of Delhi at New Delhi

(In the matter of the Company Secretaries Act, 1980)

Case CSA No. .....

.....Appellant Vs.....Respondent

Notice to :

.....

Whereas the Appellant above named has/have presented an appeal under Section 30 of Company Secretaries Act, 1980 (Copy enclosed), notice is hereby given to you to show cause why the appeal/petition should not be admitted.

Should you wish to urge anything in reply to Show Cause Notice, you are at liberty to do so on .....(actual), the date fixed before the Court, either personally or through an Advocate duly authorized by you and file the following documents : (i) Certified copy of the complaint filed against the Member or the information received on the basis of which the proceedings were initiated against the Member; (ii) Certified copy of the report of the Disciplinary Committee along with the depositions of the witnesses recorded, the documents filed or relied upon by the Member or the Counsel; (iii) Certified copy of its opinion for forwarding

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the Reference, in case Reference is under sub-section (4) of Section 21 of the Act; (iv) any other document considered necessary for orders on the Appeal filed by the Appellant under sub-section (2) of Section 30 of the Act, if already not submitted.

Superintendent (Civil .....)
for Registrar General High Court of Delhi

Name .....

Signature.....

Advocate for the

Appellant.....

Address.....

Note : This notice should be served on or before the .....day of .....20.....)

विधि, न्याय एवं विधायी कार्य विभाग

अधिसूचना

दिल्ली, 22 जनवरी, 2010

सं. फा. 6(32)/09-न्यायिक/Suptlaw/63-65.— सार्वजनिक सूचना के लिये इसके द्वारा निम्नलिखित रूप से प्रकाशित किया जाता है :—

"विधिक सेवा प्राधिकरण अधिनियम, 1987 के नियम 8क के उप-नियम 2 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए माननीय मुख्य न्यायाधीश, दिल्ली उच्च न्यायालय, नई दिल्ली, माननीय न्यायाधीश श्री विक्रमजीत सैन, न्यायाधीश, दिल्ली उच्च न्यायालय को उच्च न्यायालय विधिक सेवा समिति के अध्यक्ष के रूप में माननीय न्यायाधीश श्री मदन बी. लोकुर, न्यायाधीश, दिल्ली उच्च न्यायालय के स्थान पर मनोनीत करते हैं, जिन्हें दिल्ली विधिक सेवा प्राधिकरण का कार्यकारी अध्यक्ष मनोनीत किया गया है ।"

माननीय मुख्य न्यायाधीश, दिल्ली उच्च न्यायालय एवं प्रधान संरक्षक, डीएलएसए के आदेश से,

एम. एल. मेहता, प्रधान सचिव

DEPARTMENT OF LAW, JUSTICE AND LEGISLATIVE AFFAIRS

NOTIFICATION

Delhi, the 22nd January, 2010

No. F. 6 (32)/09-Judl./Suptlaw/63-65.—The following is hereby published for general information of the public :—

"In exercise of the powers conferred by sub-section (2) of Rule 8A of Legal Services Authorities Act, 1987, the Hon'ble Chief Justice, High Court of Delhi, New Delhi has been pleased to nominate Hon'ble Mr. Justice Vikramjit Sen, Judge, High Court of Delhi to be the Chairman of High Court Legal Services Committee in place of Hon'ble Mr. Justice Madan B. Lokur, Judge, High Court of Delhi who has been nominated as the Executive Chairman, Delhi Legal Services Authority."

By Order of the Hon'ble Chief Justice,
High Court of Delhi and
Patron-in-Chief, DLSA,

M. L. MEHTA, Pr. Secy.

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