

Procedure for hearing through Video-Conference by the Board of Discipline (BOD) and Disciplinary Committee (DC).

"Video- Conferencing or other Audio-Visual means" means Audio-visual electronic communication facility employed which enables all the parties to the proceedings to communicate concurrently with each other without any intermediary and to participate effectively in the proceedings."

1. In addition to the extant procedure relating to conduct of Disciplinary proceedings under the Chartered Accountants Act, 1949 and the Chartered Accountants (Procedure of Investigations of professional and other Misconduct & Conduct of cases) Rules, 2007 pending before the DC/BOD as the case may be, a facility is being provided at the option of any of the parties for conducting the proceedings through Video-Conferencing. If a party, request in writing for attending the hearings through video-conferencing, the following procedure shall be adopted:
 - a) The physical meeting of DC/BOD shall be held at Head Office of the ICAI at New Delhi or any of its Regional offices at Mumbai, Kolkata, Chennai and Kanpur or Branch offices of Regional Council of ICAI or at any other place as may be decided by the presiding Officer. All the members of the Disciplinary Committee/ Board of Discipline shall be present physically at the said venue. However, in special circumstances reason thereof to be recorded in the proceedings, the Board or the Committee may conduct e-hearing through video conferencing by attending the meetings from their respective offices or residences or such other place as may be indicated by the member, as the case may be.

In such case, the place of meeting shall be the place from where the Presiding Officer attends the meeting.

- b) The Parties to the cases under enquiry may appear through video-conferencing before the DC/BOD, as the case may be, at the respective Regional Headquarters of the Institute or at any other venue as may be informed by the Director (Discipline).
 - c) As per extant procedure, the notice containing place and date of hearing shall be sent by the Directorate to the parties concerned. The notice shall also contain the option to parties to attend the hearing through video-conferencing and the place from where they may join such hearing.

- d) The parties shall submit their request (**Annexure I**) for hearing through video-conferencing to the Directorate at least 7 days prior to the scheduled date of hearing. Any delayed request will not be entertained.
- e) The parties and their advocates/authorized representatives shall attend the e-hearing together from the same venue and not from different places.

Provided that if the advocate/authorized representative of the complainant or the respondent is from another city, the parties and their advocate/authorized representative may attend the e-hearing from the office of the Institute situated in the respective cities of the parties and the advocate/authorized representative, or from such venue in that city as may be intimated by the Director (Discipline) which shall be subject to such conditions as may be imposed by the Presiding Officer. Further, in such case, the advocate / counsel appearing on behalf of party shall only be permitted to speak and the party shall remain on mute mode until and unless Committee / Board require it to speak.

Provided further that if parties and their advocates/authorised representatives intend to appear from different locations, a 5 days prior intimation/request in this regard shall be given by them to Director (Discipline). In absence of the same, the request shall not be entertained.

- f) In case any of the parties who had earlier submitted request for hearing through video-conferencing and later on wants to opt for physical hearing then he can submit fresh request as per **Annexure -II-** which must be received by the Directorate at least 2 days prior to the scheduled date of hearing.
- g) In the event of any interruption during the hearing through video-conference, for technical or any other reason the Presiding Officer may adjourn the hearing temporarily and in case of persistent interruption wherein resumption of hearing within reasonable time is not possible, he may adjourn the hearing to a later date. The decision of Presiding Officer in this regard is final and binding on all concerned.



- h) The parties shall submit the documents which they wish to refer to at the time of hearing, in the form of paper books, duly indexed, within such period/time as advised by the Directorate.
- i) In respect of additional evidence if any, to be filed by the parties, the same shall be submitted in the form of supplementary paper book, duly indexed, at least three days before the hearing, along with the proof of service of the same on the opposite party at least a week before.
- j) No document shall be accepted at the time of hearing, except with the permission of the Presiding Officer.
- k) The Committee or Board of Discipline as the case may be, at its discretion, may permit any witness to appear before it to give evidence by Video-Conferencing. The same procedure as laid down herein shall apply to recording of such evidence.
- l) No party is entitled to seek replay or copy of the Video Proceedings.

The recording, if any shall be with the approval of the Presiding Officer and only for the purpose of aiding the officials of the Directorate in preparing Notes of Hearing / Minutes etc. and thereafter shall not be maintained.

- m) The parties concerned shall be present at the room earmarked for the video conference at least 30 minutes before the scheduled time.
- n) Before the commencement of the hearing in each case, a roll call shall be taken by the Presiding Officer when every participant through video-conferencing shall identify himself and Presiding Officer shall ensure that the required quorum is complete;
- o) No other recording device/electronic gadget is permitted to be brought inside the video conferencing room by any of the parties.
- p) The Committee or Board of Discipline as the case may be will be at liberty to adopt its own procedure depending on the circumstances prevailing at the time of hearing and ensure that such procedure affords reasonable opportunity of hearing to the parties as per extant Rules.



q) Before the commencement of the hearing through Video-Conferencing, ICAI shall :

- ensure that no unauthorised person is attending the hearing or has access to the proceedings through video conferencing mode;
- ensure that parties to the proceedings through audio-visual means are able to hear and see other participants clearly during the course of the proceedings. Persons who are differently abled may makerequest to allow an attendant to accompany.



"Annexure- I"

The Director (Discipline),
The Institute of Chartered Accountants of India
New Delhi-110002

Sir,

Subject: Option for hearing of Disciplinary case through Video Conferencing.

Ref No. :

Vs

With reference to the captioned case, I wish to attend the hearing of the case through video-conferencing from your office at _____.

This is for your information and necessary action, please.

Yours faithfully,

(Complainant/Respondent)

Date:

Place:



The Director (Discipline)

Sub.: Withdrawal of option for attending the meeting through video-conferencing

Sir,

Ref No.: _____

Vs

I/We had submitted Annexure I opting for hearing before Disciplinary Committee/Board of Discipline, ICAI, New Delhi through video-conferencing vide letter dated _____. Now, I/we withdraw Annexure I and opt for hearing of captioned case physically. Permission may be granted and needful be done.

Yours Faithfully
(Complainant/Respondent)

Date:

Place:

C.C. to:

Complainant/Respondent





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