

BOARD OF DISCIPLINE
(Constituted under Section 21A of the Chartered Accountants Act, 1949)

Findings under Rule 14(9) of the Chartered Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007

Ms.Urvi Chaitanya Brahmbhatt, Ahmedabad

-VS-

CA. Nilesh Valaram Yadav (M.No. 168236), Ahmedabad

[PR-309/2016/DD-24/2017/BOD/434/2018]

CORAM:

CA. G. Sekar, Presiding Officer
Shri R.K. Tewari (Government Nominee)
CA. Dhinal Ashvinbhai Shah, Member

In the matter of:

Ms.Urvi Chaitanya Brahmbhatt
503, Samyak Residency,
Nr. Badshah Dairy,
Mahalaxmi Pancho Rasta,
Paldi,
AHMEDABAD - 380 007

.....Complainant

Versus

CA. Nilesh Valaram Yadav (M.No. 168236)
B 83 Priome Plaza,
NFD Circle, Bodakdev,
AHMEDABAD – 380 054

.....Respondent

DATE OF HEARING: 20.12.2018
PLACE OF HEARING: AHMEDABAD

PARTIES PRESENT:

Respondent

:

CA. Nilesh Valaram Yadav

Findings:

1. The Board noted that the charge on which the Respondent has been held guilty is that he sexually exploited the Complainant on the pretext of job interview and also recorded video film.
2. The Board noted that the Respondent submitted before it that his relations with the Complainant were mutual.
3. The Board also noted that the Complainant also filed complaint with the Respondent's then employer IndusInd Bank. The Bank formed Internal Complaint Committee and found the Respondent guilty and accordingly the Respondent was dismissed by IndusInd Bank w.e.f. 5th November, 2016 on the charges of sexual harassment.
4. The Board noted that in compliance of its direction relating submission of certified copy of Report of bank as well as dismissal order of the Respondent, Sh. Ashok Naik, Head Employee Relations, Human Resources, IndusInd Bank vide email dated 28th January, 2019 submitted that disciplinary action was initiated against CA. Nilesh Yadav under the provisions of the Sexual Harassment of women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. He was found guilty of the charges. As such, Mr. Nilesh Yadav has been dismissed from the employment of the Bank with effect from 05.11.2016 on the charges of sexual harassment. The Board also noted that he further express his limitations in sharing of findings of the enquiry or the dismissal order.
5. The Board further noted that the Respondent admitted that his appeal against the said order was rejected. The Board also noted that the Respondent did not approach to Court against said order.
6. The Board thus based on facts/evidence on record as also the submission before it was of the view that the act of the Respondent has clearly depicts of bringing disrepute to the profession.


CONCLUSION:

7. Thus, the Board concluded that the Respondent is held **GUILTY** of "Other Misconduct" falling within the meaning of Clause (2) of Part IV of First Schedule to the Chartered Accountants Act, 1949 read with Section 22 of said Act.

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Sd/- (G. SEKAR) PRESIDING OFFICER	Sd/- (R K TEWARI) GOVERNMENT NOMINEE	Sd/- (DHINAL ASHVINBHAI SHAH) MEMBER
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DATE: AHMEDABAD
PLACE: 2nd FEBRUARY, 2019

Certified True Copy

Mukesh Kumar Mittal
Assistant Secretary
Disciplinary Directorate
2 The Institute of Chartered Accountants of India
ICAI Bhawan, I.P. Marg, New Delhi-110 002



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ORDER UNDER SECTION 21 A(3) OF THE CHARTERED ACCOUNTANTS ACT, 1949 READ WITH RULE 15(1) OF THE CHARTERED ACCOUNTANTS (PROCEDURE OF INVESTIGATIONS OF PROFESSIONAL AND OTHER MISCONDUCT AND CONDUCT OF CASES) RULES, 2007.

Ms. Urvi Chaitanya Brahmbhatt, AhmedabadComplainant

-Vs-

CA. Nilesh Valaram Yadav (M.No. 168236), AhmedabadRespondent

[PR-309/2016/DD-24/2017/BOD/434/2018]

CORAM:

CA. Atul Kumar Gupta, Presiding Officer
Shri Arun Kumar (Government Nominee)

1. That vide findings dated 2nd February, 2019, the Board of Discipline was of the opinion that **CA. Nilesh Valaram Yadav** is guilty of Other Misconduct falling within the meaning of Clause (2) of Part IV of the First Schedule to the Chartered Accountants Act, 1949 read with Section 22 of the said Act.
2. That an action under Section 21A(3) of the Chartered Accountants Act, 1949 was contemplated against **CA. Nilesh Valaram Yadav** and communication dated 25th February, 2019 was addressed to him thereby granting him an opportunity to make written representation. Further, vide letter dated 27th March, 2019 **CA. Nilesh Valaram Yadav** was granted an opportunity to represent himself in person & make his representation before Board on 10th April, 2019.
3. That **CA. Nilesh Valaram Yadav** appeared before the Board and also made his oral submission.
4. This Board has carefully gone through the facts of the case.
5. As per the findings of the Board dated 2nd February, 2019, **CA. Nilesh Valaram Yadav** was found guilty as he sexually exploited the Complainant on the pretext of job interview and also recorded video film.
6. The Board noted that **CA. Nilesh Valaram Yadav** during hearing stage had admitted that he was in mutual relationship with the Complainant and there was no exploitation as alleged. **CA. Nilesh Valaram Yadav** further admitted that he feel pity that he slipped away and is living with his family.

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7. The Board looking into admission of the Respondent and also the fact that **CA. Nilesh Valaram Yadav** was removed from the job by Indusind Bank was of the view that **CA. Nilesh Valaram Yadav** has already been penalized and accordingly looking into the totality of the circumstances and overall conduct of **CA. Nilesh Valaram Yadav** the ends of justice shall be met if reasonable punishment is awarded to the Respondent.

10. Accordingly, the Board decided to reprimand **CA. Nilesh Valaram Yadav** (M.No. 168236).

-Sd/-

(ATUL KUMAR GUPTA)
PRESIDING OFFICER

-Sd/-

(ARUN KUMAR)
GOVERNMENT NOMINEE

DATE : 10.04.2019

PLACE : Mumbai

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Certified Copy

SHASHI MAHAJAN

Deputy Secretary

Disciplinary Directorate

The Institute of Chartered Accountants of India
ICAI Bhawan, I.P. Marg, New Delhi-110 002