

**CONFIDENTIAL**

**DISCIPLINARY COMMITTEE [BENCH – I (2019-2020)]  
[Constituted under Section 21B of the Chartered Accountants Act, 1949]**

**Findings cum Order under Rule 18(17) and 19(2) of the Chartered Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007**

**[File No. PR-69A/12-DD/91/2012/DC/393/2014]**

**In the matter of:**

**Shri Abnash Chander Mahajan**  
199, Ambica Vihar  
Paschim Vihar  
**NEW DELHI – 110 087.**

**Complainant**

**Versus**

**CA. Tarun Kumar Batra (M. No.094318)**  
906, Vikram Tower,  
16, Rajendra Place,  
**New Delhi**

**Respondent**

**MEMBERS PRESENT:**

**CA. Prafulla Premsukh Chhajed, Presiding Officer,**  
**Shri Jugal Kishore Mohapatra, I.A.S. (Retd.) (Government Nominee)**  
**Ms. Rashmi Verma, I.A.S. (Retd.) (Government Nominee)**  
**CA. Babu Abraham Kallivayalil, Member**  
**CA. Dayaniwas Sharma, Member**

**DATE OF FINAL HEARING/ORDER : 28.08.2019**

**PLACE OF FINAL HEARING/ORDER : ICAI, New Delhi**

**PARTIES PRESENT:**

**Complainant : Not Present**

**Respondent : 1) CA. Tarun Kumar Batra  
2) Shri Ashish Makhija, Advocate  
(Counsel for the Respondent)**

**FINDINGS:**

1. The Committee noted that on the day of hearing, the Complainant was not present. The Respondent was present in person. Since earlier two hearing dated 01.02.16 & 28.03.17 were adjourned at the request of Complainant, this time Committee decided to proceed ahead with the matter ex-parte the Complainant. The Respondent was put on oath. On being enquired, the Respondent stated that he is aware of the charge leveled against him and he pleaded not guilty to the same. The Respondent made submissions on the charge. The Committee also noted that the Complainant vide his letter dated 9<sup>th</sup> May 2019 withdrew the present complaint filed against the Respondent.
2. The Committee perused the charges leveled against the Respondent and noted that the Respondent was a Statutory Auditor of a family-controlled company namely VPPL for the financial year 2006-2007, 2007-2008 & 2008-2009 which had taken loan from Union Bank of India. However, the auditor's report stated that the company has not taken any term loan. Further the loan amount has been diverted to associated / related companies and the company has not followed AS-18 which again was not reported by the auditor.
3. In respect of above, the Respondent has presented various judgements of Delhi High Court, Punjab & Haryana High Court wherein the court has passed the Judgement that once the compromise to end the dispute has been arrived at between the Complainant & the Respondent the disciplinary proceedings do not survive. Further the Respondent has submitted that the Complainant has withdrawn the complaint on an affidavit.
4. The Committee, however in order to ensure that the withdrawal has come from Complainant, instructed the Respondent that if he can request the Complainant either to be present physically or to send the confirmation of withdrawal by email. Thereafter, on receipt of email confirmation from the Complainant along with adequate ID proof requesting the Committee to withdraw the Complaint, the Committee permitted to withdraw the case filed against the Respondent under rule

6 of The Chartered Accountants (Procedure of Investigation of Professional and Other Misconduct and Conduct of Cases) Rules, 2007.

**CONCLUSION:**

5. Thus, the Committee acceded to the request of the Complainant permitting him to withdraw the case filed against the Respondent. Accordingly, the Committee hereby passes order for closure of the case.

**Sd/-  
(CA. PRAFULLA PREMSUKH CHHAJED)  
PRESIDING OFFICER**

**Sd/-  
(SHRI JUGAL KISHORE MOHAPATRA, I.A.S. (Retd.))  
GOVERNMENT NOMINEE**

**Sd/-  
(MS. RASHMI VERMA, I.A.S. (Retd.))  
GOVERNMENT NOMINEE**

**Sd/-  
(CA. BABU ABRAHAM KALLIVAYALIL)  
MEMBER**

**Sd/-  
(CA. DAYANIWAS SHARMA)  
MEMBER**

**DATE: 03<sup>rd</sup> February, 2020  
PLACE: NEW DELHI**