



THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA
(Set up by an Act of Parliament)

ORDER UNDER SECTION 21B(3) OF THE CHARTERED ACCOUNTANTS ACT, 1949 READ WITH RULE 19(1) OF THE CHARTERED ACCOUNTANTS (PROCEDURE OF INVESTIGATION OF PROFESSIONAL AND OTHER MISCONDUCT AND CONDUCT OF CASES) RULES, 2007.

In the matter of:

**CA. Amit Vasant Chheda (M. No.142913), Mumbai in Re:
[PPR/28/W/2013/DD/22/W/INF/13/DC/583/2017]**

MEMBERS PRESENT:

**Shri Rajeev Kher, IAS (Retd.), Government Nominee (Presiding Officer),
CA. Rajendra Kumar P, Member,
CA. Chandrashekhar Vasant Chitale, Member**

1. That vide report dated 08.02.2018, the Disciplinary Committee was of the opinion inter-alia that **CA. Amit Vasant Chheda (M.No.142913)** (hereinafter referred to as the “Respondent”) was **GUILTY** of professional misconduct falling within the meaning of Clause (1) of Part II of the Second Schedule to the Chartered Accountants Act, 1949.

2. That pursuant to the said report, an action under Section 21B (3) of the Chartered Accountants (Amendment) Act, 2006 was contemplated against the Respondent and communications dated 6th December, 2018 and 14th May, 2019 were addressed to him thereby granting an opportunity of being heard in person and/or to make a written representation before the Committee.

3. The Committee noted that on 30th May, 2019, the Respondent was present and he made his oral submissions on the findings of the Disciplinary Committee. The Committee also noted that the Respondent vide his letters dated 22nd May, 2018 and 19th December, 2018 made his written representations on the findings of the Disciplinary Committee.

4. The Committee noted that the Respondent in his oral and written representations reiterated his earlier submissions made in the matter and stated that the error was the result of an unforeseen circumstantial event and without any malafide intentions.

5. The Committee considered the reasoning (s) as contained in paras no. 1 to 7 of the Disciplinary Committee report, holding the Respondent Guilty of professional misconduct.

6. The Committee also considered the oral and written representations of the Respondent.

7. Keeping in view the facts and circumstances of the case, material on record and oral / written representations of the Respondent submitted before it, the Committee ordered that



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the name of the Respondent i.e., CA. Amit Vasant Chheda (M.No.142913) be removed from the Register of Members for a period of 6 months (Six months).

Sd/-
(SHRI RAJEEV KHER)
GOVERNMENT NOMINEE & PRESIDING OFFICER

Sd/-
(CA. RAJENDRA KUMAR P)
MEMBER

Sd/-
(CA. CHANDRASHEKHAR VASANT CHITALE)
MEMBER

DATE: 30.05.2019
PLACE : Mumbai



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DISCIPLINARY COMMITTEE [BENCH – II (2017-2018)]

**[Constituted under Section 21B of the Chartered Accountants (Amendment) Act,
2006]**

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

File No. : [PPR/28/W/2013/DD/22/W/INF/13/DC/583/2017]

In the matter of:

CA. Amit Vasant Chheda, (M. No. 142913)

3-128, Laud Bhuvan,
Road No. 24 – A, Jain Society,
Sion West,
MUMBAI - 400022

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Respondent

MEMBERS PRESENT:

CA. Naveen ND Gupta, Presiding Officer
Shri Amit Chatterjee, Government Nominee
Mrs. Bindu Agnihotri, Government Nominee
CA. Sanjay Kumar Agarwal, Member
CA. Manu Agarwal, Member

DATE OF FINAL HEARING : 07.11.2017

PLACE OF FINAL HEARING : ICAI, BKC, MUMBAI

PARTIES PRESENT:

Respondent : CA. Amit Vasant Chheda
Counsel for the Respondent : Advocate Bhupendra Shah



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Finding of the Committee

1. The Committee noted that the Examination Department of the Institute has alleged violation of exam guidelines by the Respondent where duties of observer for the CA. examinations held in May, 2013 was assigned to him. It was reported that the Examinations in May 2013 were scheduled to be held between 2nd May to 16th May, 2013. However, consequent to the sealed question paper packet of paper 7 – Group II of the Intermediate (IPC) Examination pertaining to a latter date i.e. 15th May, 2013 having been given away by the designated branch of the authorized bank and brought to one of the examination centre viz. Srimathi Kamala Devi Gauridutt Mittal College of Arts and Commerce, Mumbai, centre No. 245 and the same being distributed to the candidates of the said centre on 13th May 2013. The examination scheduled to be held on 15th May, 2013 had to be postponed and subsequently, the same was held on 24th May, 2013 at all centres across India and abroad.

2. The Committee heard the submissions of the Respondent and duly considered various documents made available on record by both the Informant and the Respondent.

3. The Committee noted that the instance of wrong opening of question paper packets took place in the examination centre in May, 2013 for which date the Respondent has been assigned the duty as an Observer. The Examination Committee had constituted a Fact Finding Group comprising of CA. Sumantra Guha (Convenor), CA. Babu Abraham Kallivayalil and CA. Atul Kumar Gupta (Members) to ascertain the reasons/circumstances which led to the sealed question paper packets pertaining to a paper other than that relevant for the day being given away by the designated bank branch Bank of Baroda (Goregaon West branch) and also the same being opened and distributed to the candidates at the examination centre.



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The Respondent in his deposition before the Group as per the excerpts from the Report, has stated as under :

(a) He passed the Chartered Accountants Final Examination in May, 2011. He had served his articles partly in G. P. Kapadia & Co. and partly in another firm. He is presently employed in a consultancy firm.

(b) He was assigned to act as Observer for five days 7th, 9th, 11th, 13th and 15th May, 2013. He had mentioned that he had informed the Delhi Office that he would not be able to attend to the duty on 7th and 9th. Subsequently, he had got a telephonic call on 4th from Delhi office to attend on 7th also. Of these dates, on 13th he was Observer in the aforesaid Examination Centre (no. 245).

(c) Total seven examination centres were allocated to the Goregaon (W) branch of Bank of Baroda. There was a queue of representatives of 3-4 examination centres with them in the Bank on 13th May, 2013. A lady representative of some examination centre ahead of them did not carry any authorization and there was an argument going on and in that process some time was wasted.

(d) When he met the Bank Manager, he had delegated to some other person. The bank person saw the code, kept the confidential material on the table. He asked for his (observer's) identity. While he was taking out his identity, the bank person put the confidential material in the gunny bag of the College. Hence, he did not get any opportunity to see the Code.

(e) He agreed that he should have checked the code at the Bank, but he did not do so because of reasons explained above. On a specific query why he did not check the correctness of the code at the examination centre, he replied that he could do it since while opening the confidential material packets, it was surrounded by 22 invigilators.

(f) He informed that at the Bank the Form 'C' was written by the clerk and he also signed.

(g) He further informed that at the examination centre, the Form 'C' was initially written with the code PSK. However, when the Special Observer (an official from Mumbai Office who was deputed to the examination centre) pointed out that the Form 'C' should have



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been filled with the CODE that was opened, another form with SMA and SMA-H was prepared and signed by all.

(h) To a query whether anybody prevented him from checking the code before opening the packets, he mentioned that he was not prevented. To another query as to whether he agreed he had failed to perform the duty assigned to him, he replied that “Yes I failed to do it correctly”. He added that he will take all efforts to do it correctly in future.

(i) He confirmed he did not contact the Press.

(j) Thereafter, he was requested to fill in the questionnaire prepared by Group in advance and the same duly filled and signed by him.

4. During the hearing in captioned case, the Counsel for the Respondent submitted that there were circumstances which led to wrong opening of question paper and there was nothing malafide on the part of the Respondent. The Respondent, further pleaded that his intention was to get the exam started in time and this was only a circumstantial error. He further pleaded that the Respondent had qualified as a Chartered Accountant only 2 years back and is only 26 years old which may also be considered.

5. In view of above, the Committee was of the view that it is apparent that the Respondent has clearly failed in his responsibility assigned as an Observer of the Chartered Accountants Examination whereby without realizing the seriousness of the tasks involved, he has allowed the wrong question paper packets to be taken from the Bank to the Examination Centre and also could not detect the error at the time of opening/distribution of question paper packets to the examinees. The reason/explanation provided by the Respondent are not satisfactory.

6. Upon summarization of the sequences of events vis-a-vis the role and the responsibility of the Respondent in having acted as an Observer, the Committee was of the view that it is clear that the Respondent had only been a mute spectator disregarding the onerous responsibility and tremendous faith placed on him in ensuring the smooth conduct of the Chartered Accountants Examinations. It is on record that due to the unfortunate incident which happened in the said



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Examination centre, the concerned paper of the said Examination had to be postponed and was held at a later date which caused lot of re-scheduling and costs to the ICAI.

7. In the light of the facts and circumstances stated above, the Committee was of the opinion that it is apparent that the Respondent has failed in his duties as an Observer by violating the guidelines of the Institute for acting as an Observer.

Conclusion

8. Thus in the considered opinion of the Committee, the Respondent is **GUILTY** of professional misconduct falling within the meaning Clause (1) of Part II of the Second Schedule to the Chartered Accountants Act, 1949.

Sd/-
(CA. NAVEEN ND GUPTA)
PRESIDING OFFICER

Sd/-
(SHRI AMIT CHATTERJEE)
GOVERNMENT NOMINEE

Sd/-
(Mrs. BINDU AGNIHOTRI)
GOVERNMENT NOMINEE

Sd/-
(CA. SANJAY KUMAR AGARWAL)
MEMBER

Sd/-
(CA. MANU AGARWAL)
MEMBER

DATE : 08th February, 2018

Order - CA. Amit Vasant Chheda (M.No. 142913)

[PPR/28/W/2013/DD/22/W/INF/13/DC/583/2017]



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PLACE : New Delhi