

BOARD OF DISCIPLINE (BENCH-II)

(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

The Commissioner of Income Tax, (Central)(HQ)(Admn.), Aayakar Bhavan, Nagpur

-Vs-

CA. Pramod Kajodimal Agrawal (M.No.044396), Nagpur

[PR/146/2013/DD/254/14/BOD/214/2016]

CORAM:

**CA. Atul Kumar Gupta, Presiding Officer
Shri Arun Kumar (Government Nominee)
CA. Prasanna Kumar D, Member**

In the matter of:

**The Commissioner of Income Tax,
(Central)(HQ)(Admin),
2nd Floor, Aayakar Bhavan,
Telangkhedi Road,
Civil Lines
NAGPUR – 440001**

.....Complainant

Versus

**CA. Pramod Kajodimal Agrawal (M.No. 044396)
Bansal Sadan,
34, New Cotton, Market Layout,
Near ST Stand
NAGPUR – 440018**

.....Respondent

DATE OF HEARING: 04.06.2019

PLACE OF HEARING: MUMBAI

PARTIES PRESENT:

Representative of Complainant Department :

Mrs. Agnus P. Thomus, JCIT





Findings:

1. The Board noted that the charge on which the Respondent has been held prima facie guilty by the Director (Discipline) of "Other misconduct" falling within the meaning of Clause (2) of Part IV of the First Schedule to the Chartered Accountants Act, 1949 is that he has collected huge sums of money from the gullible citizens of the country and the same have been appropriated by him by way of investments in various concerns floated by him and also in his own name. Moreover, the Respondent has not properly accounted for the funds collected by him from public either in the books of the various cooperative societies floated by him or in the books of accounts of the Company or in his books of accounts.
2. The Board heard the submissions made by the Complainant and duly considered the submissions/documents available on record.
3. The Board noted that the Respondent in his Statements u/s 132(4) of the Income Tax Act, 1961 dated 28th January, 2009 and 25th March, 2009 has himself admitted that, besides being a practicing Chartered Accountant, he is associated with various other entities such as M/s Mahadeo Land Developers Pvt. Ltd., Kalamna Market Urban Credit Co-op. Society Ltd., Chhatrapati Shivaji Co-op. Ltd., Yuva Chaitanya Credit Co-op. Society Ltd., Shree Sharda Nagari Sahakari Credit Co-op. Society Ltd., etc. in various capacity and the books of accounts of the aforesaid entities have not been maintained by him. Moreover, the transactions involving huge amount of money related to such entities has not been accounted for by him.
4. The Board noted that Appraisal Report of the Asstt. Director of Income Tax (Inv.)- III, Nagpur (ADIT-III/NAG/Mahadeo/2008-09) dated 28th May, 2009 had concluded that Respondent was involved in illegal transactions.
5. The Board also noted that Complainant has submitted all the cases pending against the Respondent.
6. The Board also noted that Jail authorities vide letter dated 23/05/2019 confirmed that the Respondent is in judicial custody since 29/01/2013.

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7. The Board on looking into gravity of the case and overall scenario of the case was of the opinion that there is certainly disrepute to the profession by the activities undertaken by the Respondent.

CONCLUSION:

8. Thus, the Board concluded that the Respondent is held **GUILTY** of Professional 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 said Act.

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-Sd/-	-Sd/-	-Sd/-
(ATUL KUMAR GUPTA)	(ARUN KUMAR)	(PRASANNA KUMAR D)
PRESIDING OFFICER	GOVERNMENT NOMINEE	MEMBER

DATE : 04.06.2019

PLACE : Mumbai

Certified True Copy
Abhinav
R.S. Srivastava
Assistant Secretary
Disciplinary Directorate
The Institute of Chartered Accountants of India
ICAI Bhawan, I.P. Marg, New Delhi-110 002



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(Set up by an Act of Parliament)

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.

**The Commissioner of Income Tax,
NAGPUR – 440001**

.....Complainant

Versus

**Shri Pramod Kajodimal Agrawal (M.No. 044396)
NAGPUR – 440018**

.....Respondent

[PR/146/2013/DD/254/14/BOD/214/2016]

CORAM:

**CA. Atul Kumar Gupta, Presiding Officer
Shri Arun Kumar (Government Nominee)
CA. Prasanna Kumar D, Member**

1. That vide findings dated 4th June, 2019 the Board of Discipline held **Shri Pramod Kajodimal Agrawal** GUILTY of "Other misconduct" falling within the meaning of Clause (2) of Part IV of the First Schedule to the Chartered Accountants Act, 1949.

2. That an action under Section 21A(3) of the Chartered Accountants Act, 1949 was contemplated against Shri Pramod Kajodimal Agrawal and communication dated 23rd August/27th September, 2019 was addressed to him thereby granting him an opportunity to make written representation. Further, a letter dated 27th September, 2019 was sent to the professional and residential address of Shri Pramod Kajodimal Agrawal as well as to the Jail granting him an opportunity to represent himself in person before Board on 20th October, 2019 but the letters were not delivered. The Board also noted that the Jailor vide his letter dated 7th October, 2019 informed that Shri Pramod Kajodimal Agrawal is released from the Jail on 26th July, 2019. Further, there is no alternate contact details/e-mail id/ telephone no. of Shri Pramod Kajodimal Agrawal is available on record. The Board looking into the fact decided to proceed in the matter.

3. That Shri Pramod Kajodimal Agrawal did not appear before the Board on 20th October, 2019. In his absence, the Board has carefully gone through the facts of the case.

4. As per the findings of the Board dated 04th June, 2019 Shri Pramod Kajodimal Agrawal was found guilty on the grounds that he has collected huge sums of money from the gullible citizens of the country and the same have been appropriated by him by way of investments in various concerns floated by him and also in his own name. Moreover, Shri Pramod Kajodimal Agrawal has not properly accounted for the funds collected by him from public either in the books of the various cooperative societies



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floated by him or in the books of accounts of the Company or in his books of accounts.

5. The Board observed that Shri Pramod Kajodimal Agrawal in his Statements u/s 132(4) of the Income Tax Act, 1961 dated 28th January, 2009 and 25th March, 2009 had himself admitted that, besides being a practicing Chartered Accountant, he was associated with various other entities in various capacity and the books of accounts of the aforesaid entities have not been maintained by him.

6. The Board also noted that Appraisal Report of the Asstt. Director of Income Tax (Inv.)-III, Nagpur (ADIT-III/NAG/Mahadeo/2008-09) dated 28th May, 2009 had concluded that Respondent was involved in illegal transactions. The Jail authority also confirmed that Shri Pramod Kajodimal Agrawal was in judicial custody from 29th January, 2013 to 26th July, 2019 i.e around 6.5 years.

7. Upon consideration of the facts of the case and the consequent misconduct of Shri Pramod Kajodimal Agrawal, the Board was of the view that the ends of justice shall be met if reasonable punishment is awarded to him.

8. Accordingly, the Board ordered to remove name of Shri Pramod Kajodimal Agrawal from the Register for a period of 3 months and the same will be effective whenever he will apply for the restoration of his name.

Sd/-
(ATUL KUMAR GUPTA)
PRESIDING OFFICER

Sd/-
(ARUN KUMAR)
GOVERNMENT NOMINEE


Sd/-
(PRASANNA KUMAR D)
MEMBER

DATE : 20th October, 2019

PLACE : Mumbai

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Certified True Copy


Mukesh Kumar Mittal
Assistant Secretary
Disciplinary Directorate
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