

**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 Rule 19(2) of the Chartered Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007.**

**[Ref. No. PR/259/15-DD/237/2015/DC/786/2018]**

**In the matter of:**

**Shri Kabir Das Gupta**  
CS-5/2, Golf Green Urban Complex  
Phase-1  
Kolkata-700095

.....Complainant

**Versus**

**CA. Shipra Sen,**  
20/06/01, Grahams Land,  
Tollygunge Metro,  
Kolkata – 700 040

.....Respondent

**MEMBERS PRESENT:**

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

**DATE OF FINAL HEARING : 07.11.2019**

**PLACE OF FINAL HEARING : ICAI, Kolkata**

**PARTIES PRESENT:**

**Complainant : Shri Kabir Das Gupta**

**Respondent : CA. Shipra Sen**

**Brief of the Disciplinary Proceedings:-**

1. The Committee noted that on the day of hearing i.e. 7<sup>th</sup> November, 2019, the Complainant was present. The Respondent was present. Both the Complainant and the Respondent were put on oath. On being enquired from the Respondent as to whether she is aware of the charges levelled against her, the Respondent replied in affirmative and pleaded not guilty to the same. The Complainant made his submissions. The Respondent also made her submissions on the charge. The Committee posed certain questions to the Complainant and the Respondent. After hearing the final submissions, the Committee decided to conclude the hearing.

**CHARGES IN BRIEF AND FINDINGS OF THE COMMITTEE:-**

2. The Committee noted that in the extant case, the Respondent was the auditor of Golf Green Phase 1 Apartment Owners Association for the financial years 2012-13 and 2013-14. It was alleged that the Respondent failed to mention firm registration number and her membership number in all reports issued by her in respect of the Association. The said act of the Respondent was in grossly violation of the announcement published on page 1312 of February, 2010 in Journal of ICAI to mention Firm Registration Number allotted by ICAI in all reports issued including certificates in his audit report.

3. It is noted that the Respondent denied the above charge and stated that membership number as well as firm registration number in the final audit report was duly mentioned. The Respondent also brought on record the audit report of Golf Green Phase 1 Apartment Owners Association for the financial year 2012-13 and 2013-14 wherein the ICAI Membership Number of the Respondent and Firm Registration Number were mentioned. The Respondent also stated that she does not know as to how copy of financial statement not having membership number and firm registration number reached in the hand of the Complainant.

4. The Complainant instead of substantiating the charge against the Respondent chose to raise the issues which were not part of the complaint filed by him. Accordingly, the Committee clarified to the Complainant that charge which is part of the Prima Facie Opinion will only be considered and no extension of charge at this stage is allowed.

5. After taking into account all the submissions and document on record, the Committee noted that it is a case where the Respondent could not mention her membership number and firm registration number on one copy of financial statements issued by her to the Association. In support of defence, the Respondent brought on record copy of financial statement of the Associations signed by her with membership number and firm registration number. Though the Complainant stated that the said copy was prepared with the connivance of the management of the Association, yet he could not bring or provide any documentary evidence on record to show that copy of the financial statement which was circulated in the general body meeting of the Association does not contain membership and firm registration number. The Committee is of the view that mere non-mentioning of membership and firm registration number on one set of financial statements cannot be considered as gross violation of the requirement of SA-700 where other set of the financial statements were containing the same. Therefore, the Committee decided to extend benefit to the Respondent. Accordingly, the Respondent is not guilty of professional misconduct falling within the meaning of Clause (1) of Part II of Second Schedule to the Chartered Accountants Act, 1949.

**Conclusion:-**

6. Thus in the considered opinion, the Respondent is held **NOT GUILTY** of Professional Misconduct falling within the meaning of Clause (1) of Part II of Second Schedule to the Chartered Accountants Act, 1949.

7. Accordingly, in terms of Rule 19 (2) of the Chartered Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007, the Committee passes Order for closure of this case against the Respondent.

**Sd/-**

**(SHRI JUGAL KISHORE MOHAPATRA, I.A.S.(RETD.))  
GOVERNMENT NOMINEE & PRESIDING OFFICER**

**Sd/-**

**(MS. RASHMI VERMA, I.A.S. (RETD.))  
GOVERNMENT NOMINEE**

**Sd/-**

**(CA. BABU ABRAHAM KALLIVAYALIL)  
MEMBER**

**Sd/-**

**(CA. DAYANIWAS SHARMA)  
MEMBER**

**DATE : 3<sup>rd</sup> February, 2020  
PLACE : New Delhi**