

**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**

**Shri Jayson Sebastin Peter, Chairman, Samson Educational & Charitable Trust, C/o. St.Peter's High School, Virar (E), Distt. Palghar**

**-Vs -**

**CA. Milind Ratilal Mehta (M.No.041338), Thane**

**[PR/46/16/DD/117/2016/BOD/372/2017]**

**CORAM:**

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

**In the matter of:**

**Shri Joyson Sebastin Peter,  
Chairman,  
Samson Educational & Charitable Trust  
C/o. St. Peter's High School,  
Manvelpada Road,  
Virar (E), Tal: Vasai,  
DISTT. PALGHAR – 401 305**

**.....Complainant**

**Versus**

**CA. Milind Ratilal Mehta (M.No. 041338)  
Shop No. 14 & 15  
Vrindavan Complex  
Opp J B Ludhani Scholl Evershine City  
Vasai East  
VASAI – 401 209**

**.....Respondent**

**DATE OF HEARING: 10.04.2019**

**PLACE OF HEARING: MUMBAI**

**W**

**SP**

**PARTIES PRESENT:**

**Complainant** : **Shri Joyson Sebastin Peter**  
**Counsel for the Complainant** : **Shri S H Gokhale, Advocate**

**Findings:**

1. The Board noted that the charge on which the Respondent has been held 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 the Respondent who was the Trustee of Samson Educational and Charitable Trust i.e. The Trust is disrupting of smooth functioning of the School namely St. Peter's High School, Virar run by the said Trust.
2. The Board noted that the Respondent did not appear before it despite due service of notice. The Board also noted that hearing in this case was earlier held on 12<sup>th</sup> January, 2019 and the hearing in this case was adjourned on request of the Respondent.
3. Looking into repetitive absence of the Respondent, the Board in this regard took reference to Rule 14 of the aforesaid Rules relating to "Procedure to be followed by the Board of Discipline" whereby as per sub rule (7) and (8) it is mentioned as under:
  - (7) *On the date of hearing, if the respondent, inspite of the service of notice, under sub rule (6) does not appear either in person or through his authorised representative the Board of Discipline may proceed ex-parte as pass such orders as may think fit or direct fresh notice to be served.*
  - (8) *The Board of Discipline may on such terms as they think fit and at any stage of proceedings adjourn the hearing:  
Provided that such adjournment shall not be given more than one stage at any stage of the proceedings."*

The Board accordingly decided to take up the matter ex-parte the Respondent.





4. The Board accordingly heard the submissions made by parties present i.e. the Complainant and his Counsel and duly considered the submissions/documents available on record.
5. The Board noted the submissions of the Complainant/ his counsel that the Respondent is disrupting the smooth functioning of School by not signing of cheques despite being a co-signatory, sending various intimidating letters, making false complaints to Govt. Departments, not doing finalization of the accounts and lodging false complaints against the Chairman (i.e. the Complainant) and other Trustees of the Trust by submitting forged and fabricated audit reports of their Trust.
6. The Board noted despite being serious charges levelled on the Respondent, he choose to remain silent by way his absence and by not submitting his submissions on merits of the case.
7. The Board also noted that wife of the Respondent was looking after accounts writing and audit work of the Complainant's Trust and School since its inception in the year 2002. Further, CA. Sagar Mehta, brother of the Respondent's Wife was the auditor of the Trust. Hence, there was clear linkage of the family members of the Respondent in the management of the financial affairs of the Society which indicates an indirect influence of the Respondent.
8. Being himself as trustee and accounts are audited by his own Brother-in-Law without any audit qualifications, do not raise any allegation on the remaining Trustees for any embezzlement of funds. Accordingly it would have better that any issue/dispute between Trustees should have been resolved amicably themselves rather filling complaints, hampering education activities of students, not signing cheque being joint signatory which is unbecoming of Chartered Accountant and bringing disrepute to the profession.
9. The Board after considering the submissions of the Complainant/ his Counsel before it, the linkage of family member of the Respondent with the trust, and non-submission of any defence by the Respondent despite given multiple opportunities decided that the Respondent has clearly failed in defending his case. Further,

non-signing of cheques despite being co-signatory makes clear that the Respondent is intentionally disrupting of functioning of the School.

**CONCLUSION:**

10. Thus, the Board concluded that the Respondent is held **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 said Act.

**-Sd/-**

**(ATUL KUMAR GUPTA)  
PRESIDING OFFICER**

**-Sd/-**

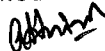
**(ARUN KUMAR)  
GOVERNMENT NOMINEE**

**DATE: 10.04.2019**

**PLACE: Mumbai**



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**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.**

**Shri Jayson Sebastin Peter, Chairman, Samson Educational & Charitable Trust, C/o. St.Peter's High School, Virar(E), Distt. Palghar .....Complainant**

**-Vs -**

**CA. Milind Ratilal Mehta (M.No.041338), Thane .....Respondent**

**[PR/46/16/DD/117/2016/BOD/372/2017]**

**CORAM:**

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

1. That vide findings dated **10<sup>th</sup> April, 2019**, the Board of Discipline held **CA. Milind Ratilal Mehta** 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 CA. Milind Ratilal Mehta and communication dated 2<sup>nd</sup> August, 2019 was addressed to him thereby granting him an opportunity to make written representation. Further, a letter dated 27<sup>th</sup> September, 2019 was sent to CA. Milind Ratilal Mehta granting him an opportunity to represent himself in person before Board on 20<sup>th</sup> October, 2019.
3. That CA. Milind Ratilal Mehta did not appear before the Board on 20<sup>th</sup> 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 10<sup>th</sup> April, 2019 CA. Milind Ratilal Mehta was found guilty on the grounds that CA. Milind Ratilal Mehta who was the Trustee of Samson Educational and Charitable Trust i.e. The Trust is disrupting of smooth functioning of the School namely St. Peter's High School, Virar run by the said Trust.
5. The Board observed that despite being serious charges levelled on CA. Milind Ratilal Mehta, he choose to remain silent. The Board also noted that CA. Milind Ratilal Mehta is disrupting the smooth functioning of School by not signing of cheques despite being a co-signatory, sending various intimidating letters, making false complaints to Govt. Departments, not doing finalization of the accounts and

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lodging false complaints against the Chairman (i.e. the Complainant) and other Trustees of the Trust by submitting forged and fabricated audit reports of their Trust.

6. The Board also noted that there was clear linkage of the family members of the CA. Milind Ratilal Mehta in the management of the financial affairs of the Society by way of involvement of his wife who was looking after accounts writing and audit work of the Complainant's Trust and School since its inception in the year 2002. Further, brother of his Wife was the auditor of the Trust.

7. The Board after considering noted that CA. Milind Ratilal Mehta was intentionally disrupting of functioning of the School by non-signing of cheques despite being co-signatory and failed to bring his defence before the Board despite of multiple opportunities given to him.

8. Upon consideration of the facts of the case, the consequent misconduct of CA. Milind Ratilal Mehta, and keeping in view of non-submission of his defence, the Board was of the view that the ends of justice shall be met if reasonable punishment is awarded to him.

9. Accordingly, the Board ordered to remove name of CA. Milind Ratilal Mehta from the Register for a period of 3 months.

Sd/-  
(ATUL KUMAR GUPTA)  
PRESIDING OFFICER

Sd/-  
(ARUN KUMAR)  
GOVERNMENT NOMINEE

Sd/-  
(PRASANNA KUMAR D)  
MEMBER

DATE : 20<sup>th</sup> October, 2019

PLACE : Mumbai



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Manoj Saxena  
Deputy Secretary  
Disciplinary Directorate  
The Institute of Chartered Accountants of India  
ICAI Bhawan, I.P. Marg, New Delhi-110 002