

CONFIDENTIAL

DISCIPLINARY COMMITTEE [BENCH – II (2019-2020)]

[Constituted under Section 21B of the Chartered Accountants (Amendment) Act, 1949]

Findings 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. : [PPR/137/2015/DD/112/INF/2015/DC/826/2018]

In the matter of:

**CA. Ashish Bajaj (M. No. 410514), Of M/s Ashish Bajaj & Associates (FRN 014952C), Katni in Re:
C/O Shri Narayan Bajaj,
Shivshakti Kripa,
Near Gayatri Mandir,
Mai Nadi Road
KATNI- 483 501.**

.....Respondent

MEMBERS PRESENT:

**CA. Atul Kumar Gupta, Presiding Officer
CA. Amarjit Chopra, Member (Govt. Nominee)
CA. Rajendra Kumar P, Member
CA. Chandrasekhar Vasant Chitale, Member**

DATE OF FINAL HEARING : 06.08.2019

PLACE OF FINAL HEARING : ICAI Bhawan, New Delhi

PARTIES PRESENT : CA. Ashish Bajaj (Respondent)

Charges in Brief:-

1. The Committee noted that in the Prima-Facie Opinion formed by Director (Discipline) in terms of Rule 9 of the Chartered Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007, the Respondent is guilty under Clause (8) of Part I of the First Schedule and guilty under Clause (1) of Part II of the Second Schedule of Chartered Accountant Act 1949 states as under :-

Clause (8) of Part I of the First Schedule

“A chartered accountant in practice shall be deemed to be guilty of professional misconduct, if he –

(8) accepts a position as auditor previously held by another chartered accountant or a certified auditor who has been issued certificate under the Restricted Certificate Rules, 1932 without first communicating with him in writing;”

Clause (1) of Part II of the Second Schedule

“A member of the Institute, whether in practice or not, shall be deemed to be guilty of professional misconduct, if he–

(1) contravenes any of the provisions of this Act or the regulations made thereunder or any guidelines issued by the Council;”

2. This case was initiated with the complaint from the CA Asha Ritesh Vora (hereinafter referred as the “Informant”), it was treated as “information” within the meaning of Rule 7 of the Chartered Accountants (Procedure of Investigation of Professional and Other Misconduct and Conduct of Cases) Rules, 2007. The allegation in the present case is that the Respondent accepted and conducted the Tax Audit of aforementioned Assesses for the year ended on 31st March, 2014 without obtaining NOC and making any communication to the informant in this regard. He also did not ensure that the previous dues of the Informant had been cleared before accepting the audit.

Brief facts of the Proceedings:

3. On the day of hearing i.e. 06/08/2019, CA. Ashish Bajaj (the Respondent) appeared before the Committee. The Respondent was put on oath. Thereafter, the Committee asked the Respondent whether he wishes the charge to be read out or it can be taken as read. The Respondent stated before the Committee that he was aware of the charges made against him and same may be taken as read. On being asked to the Respondent whether he pleads guilty on any of the charges amongst number of charges framed against him, he replied in negative. Thereafter, the Committee sought whether he wishes to proceed with his defence. The respondent placed his defence on table. After considering all papers available on record and provisions of law, the Committee decided to proceed with the matter.

Findings of the Committee

4. The Committee noted that the Respondent with his Counsel appeared before this Committee and submitted that there is withdrawal letter by the Informant in this case as his fee and other dues are settled by the Auditee. The Committee reviewed the withdrawal letter on behalf of the Complainant dated 24-26/07/2018 which is on record.
5. The Committee accepted the withdrawal of Information by the Informant as all fees and dues are settled. The Committee further directed the Respondent to be more cautious in future while accepting and performing his professional assignments.

Conclusion

6. Thus, without going into the merit of the case and considering the withdrawal letter the Committee passes an Order for closure of this case under Rule 19(2) of the Chartered Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007.

**Sd/-
(CA. ATUL KUMAR GUPTA)
PRESIDING OFFICER**

**Sd/-
(CA. AMARJIT CHOPRA)
GOVERNMENT NOMINEE**

**Sd/-
(CA. RAJENDRA KUMAR P)
MEMBER**

**Sd/-
(CA. CHANDRASEKHAR VASANT CHITALE)
MEMBER**

**DATE: 04-09-2019
PLACE: Mumbai**