

**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**

**CA. Dinesh Jajodia (M. No. 101008), MUMBAI in Re:**

**[PPR/99/15/DD/80/INF/15/BOD/422/2018]**

**CORAM:**

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

**In the matter of:**

**CA. Dinesh Jajodia  
M/s. Jajodia & Company,  
Chartered Accountants,  
Room No. 4, 1<sup>st</sup> Floor,  
547, Kalbadevi Road,  
MUMBAI – 400 002**

**.....Respondent**

**DATE OF HEARING: 10.04.2019**

**PLACE OF HEARING: MUMBAI**

**PARTIES PRESENT:**

**Respondent : Nil**

**Findings:**

1. The Board noted that the Respondent is held guilty of the Director (Discipline) of "Professional and/or Other Misconduct" falling within the meaning of Clause (11) of Part I and Clause (2) of Part IV of the First Schedule to the Chartered

Accountants Act, 1949 in respect of his involvement with two Companies and also lying on Oath before the Hon'ble high Court.

2. The Board noted that there were disputes between the HDFC Bank Ltd. and M/s Geodesic Technology Solutions Ltd. (GTSL) The role of the Respondent in these matters was that he had signed certain documents in the capacity of Director of a Company namely, M/s Yvette Investments Ltd. (YIL) to whom a loan of US \$ 7 million appears to have been given by one Enterprise Emerging Markets Fund (EEMF) in which Geodesic Technology Solutions Ltd. (GTSL) is claimed to have invested. Further, according to the observations of the Hon'ble High Court, the Respondent appeared to be the beneficial owner of GTSL and deeply involved in the transactions pertaining to GTSL. The Hon'ble Court has further observed that the Respondent appeared to be lying on oath before the Court. As per observations of the aforesaid High Court order, the Respondent had claimed to have assisted in incorporating GTSL and its overseas subsidiaries. Further, despite being given an opportunity to revert to the Court on 8<sup>th</sup> May, 2015 after checking his records, Mr.Jajodia has failed to give an explanation for the various documents executed by him or why he is shown as the beneficial owner of Geodesic and/ or Zomo. Such blatant disregard for the truth, and making false statements to the Court, cannot and will not be countenanced.

3. Today on 10<sup>th</sup> April, 2019 the matter was placed before the Bench and 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 wherein hearing in this case was adjourned due improper authorisation of the person appearing on the behalf of the Respondent. The Board further observed that the Respondent was not present on both the occasions. Looking into repetitive absence of the Respondent, this bench decided to refer the rule 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 noted despite being serious charges levelled on the Respondent, he choose to remain silent by way his absence and by not submitting further written statement as if he has nothing to submit on merit.
5. In absence of further defence from the Respondent, the charges against him are established since there is no contradiction from his side, the Board accordingly decided to hold him guilty.

**CONCLUSION:**

6. Thus, the Board concluded that the Respondent is held **GUILTY** of Professional and/or Other Misconduct falling within the meaning of Clause (11) of Part I and Clause (2) of Part IV of the First Schedule to the Chartered Accountants Act, 1949 read with section 22 of the said Act.

**-Sd/-**

**(ATUL KUMAR GUPTA)  
PRESIDING OFFICER**

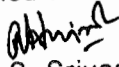
**-Sd/-**

**(ARUN KUMAR)  
GOVERNMENT NOMINEE**

**DATE: 10.04.2019**

**PLACE: Mumbai**



Certified True Copy  
  
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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**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.**

**CA. Dinesh Jajodia (M. No. 101008), MUMBAI in Re: .....Respondent**

**[PPR/99/15/DD/80/INF/15/BOD/422/2018]**

**CORAM:**

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

1. That vide findings dated **10<sup>th</sup> April, 2019**, the Board of Discipline held **CA. Dinesh Jajodia** GUILTY of Professional and/or Other Misconduct falling within the meaning of Clause (11) of Part I and Clause (2) of Part IV of the First Schedule to the Chartered Accountants Act, 1949 read with section 22 of the said Act.

2. That an action under Section 21A(3) of the Chartered Accountants Act, 1949 was contemplated against CA. Dinesh Jajodia 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. Dinesh Jajodia granting him an opportunity to represent himself in person before Board on 20<sup>th</sup> October, 2019.

3. That CA. Dinesh Jajodia 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. Dinesh Jajodia was found guilty in the matter of disputes between the HDFC Bank Ltd. and M/s Geodesic Technology Solutions Ltd. (GTSL). The role of the CA. Dinesh Jajodia in these matters was that he had signed certain documents in the capacity of Director of a Company namely, M/s Yvette Investments Ltd. (YIL) to whom a loan of US \$ 7 million appears to have been given by one Enterprise Emerging Markets Fund (EEMF) in which Geodesic Technology Solutions Ltd. (GTSL) is claimed to have invested. Further, according to the observations of the Hon'ble High Court, CA. Dinesh Jajodia appeared to be the beneficial owner of GTSL and deeply involved in the transactions pertaining to GTSL. The Hon'ble Court has further observed that CA. Dinesh Jajodia appeared to be lying on oath before the Court. As per observations of the aforesaid High Court order, CA. Dinesh Jajodia had claimed to have assisted in incorporating GTSL and its overseas subsidiaries. Further, despite being given an opportunity to revert to the Court on 8<sup>th</sup> May, 2015 after checking his records, CA. Dinesh Jajodia has failed to give an explanation for the various documents executed by him or why he is shown as the beneficial owner of Geodesic

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and/ or Zomo. Such blatant disregard for the truth, and making false statements to the Court, cannot and will not be countenanced.

5. The Board noted that CA. Dinesh Jajodia vide his e-mail dated 5th October, 2019 submitted that he had preferred a Civil Writ Petition (L) No. 26925 /2019 under Civil Appellate Jurisdiction before the Hon'ble High Court, Mumbai against the order passed by the Board of Discipline. The Board further noted that there is no stay in the matter from the Hon'ble Court. Accordingly, the Board has decided to proceed in the matter.

6. The Board noted that despite being serious charges levelled on CA. Dinesh Jajodia, he chose to remain silent by way his absence and by not submitting further submissions as if he has nothing to submit on merit.

7. Upon consideration of the facts of the case, the consequent misconduct of CA. Dinesh Jajodia, and keeping in view of non-submission of his defence on merit, 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 CA. Dinesh Jajodia 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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Certified Copy

  
Jyotika Grover  
Assistant Secretary  
Disciplinary Directorate

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