



THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA
(Set up by an Act of Parliament)

PPR/392/19/DD/29/INF/19/BOD/566/2020

ORDER UNDER SECTION 21A(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.

In the matter of:-

CA. Nikhil P. Shah (M. No. 156463), Pune in Re:

...Respondent

[PPR/392/19/DD/29/INF/19/BOD/566/2020]

MEMBERS PRESENT:

CA. Prasanna Kumar D., Presiding Officer (Physically at ICAI Bhawan, IP Marg,
New Delhi)

Mrs. Rani Nair, (IRS, Retd.), Government Nominee (Through video conferencing)

Date of Final Hearing: 6th August, 2021

1. The Board of Discipline vide Report dated 11th February, 2021 held that CA. Nikhil P. Shah (M. No. 156463) is guilty of "Other Misconduct" falling within the meaning of Item (2) of Part-IV of the First Schedule of the Chartered Accountants Act, 1949 read with section 22 of the said Act.
2. An action under Section 21A (3) of the Chartered Accountants Act, 1949 was contemplated against CA. Nikhil P. Shah and communication dated 29th July, 2021 was addressed to him thereby granting him an opportunity of being heard in person and/or to make written representation before the Board on 6th August, 2021.
3. CA. Nikhil P. Shah did not appear before the Board on 6th August, 2021. CA. Nikhil P. Shah vide email dated 6th August, 2021 submitted that the mistake was an un-intentional and he has nothing more to submit as he has already submitted his written representation. Since the written representation of the Respondent had been received, keeping in view the provisions of Rule 15 of the Chartered Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007, the Board decided to consider the case of the Respondent for award of punishment.
4. CA. Nikhil P. Shah in his written representation, inter-alia, submitted that due to Covid-19 pandemic, majority of his clients have closed their business and his CA Practice is also on the edge of shutting down leaving him with a huge financial hardship. As a young



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Chartered Accountant he won't be able to take pressure arising mentally, emotionally and financially and requested for lenient view in his case.

5. The Board has carefully gone through the facts of the case and also the written representation of **CA. Nikhil P. Shah**.

6. As per the Findings of the Board as contained in its report, the Respondent entered the premises of Pune Global School & Jr. College Science and Commerce, Pune, Maharashtra where the CA exam was being conducted which is an event having high importance and confidentiality. The Respondent entered the premises by giving false statements, which is not expected from anyone especially a Chartered Accountant. The aforesaid act of the Respondent is clearly unbecoming of a Chartered Accountant and has brought disrepute to the profession and thus, it has already been held that **CA. Nikhil P. Shah** is Guilty of Other Misconduct falling within the meaning of Item (2) of Part IV of the First Schedule of the Chartered Accountants Act, 1949 read with Section 22 of the said Act.

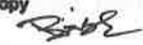
7. Upon consideration of the facts of the case, the consequent misconduct of **CA. Nikhil P. Shah** and keeping in view his written representation before it, the Board decided to Reprimand **CA. Nikhil P. Shah (M. No. 156463)**.

Sd/-

CA. PRASANNA KUMAR D.
(PRESIDING OFFICER)

Date: 10th January, 2022

सही प्रतिलिपि होने के लिए प्रमाणित /
Certified to be true copy


बिष्व नथ तिवारी / Bishwa Nath Tiwari
कार्यकारी अधिकारी / Executive Officer
अनुशासनात्मक निदेशालय / Disciplinary Directorate
इंस्टिट्यूट ऑफ चार्टर्ड एकाउंटेंट्स ऑफ इंडिया
The Institute of Chartered Accountants of India
आईसीएआई भवन, वि्वास नगर, शाहदरा, दिल्ली-110032
ICAI Bhawan, Vishwas Nagar, Shahdra, Delhi-110032

CONFIDENTIAL

BOARD OF DISCIPLINE
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

File No. : [PPR/392/19/DD/29/INF/19/BOD/566/2020]

CORAM:

CA. Prasanna Kumar D., Presiding Officer

**(attended physically from ICAI
Bhawan, Vishwas Nagar, New Delhi)**

Mrs. Rani Nair (IRS, Retd.), Government Nominee

(attended through VC)

CA. Durgesh Kumar Kabra, Member

(attended physically from ICAI

Bhawan, Vishwas Nagar, New Delhi)

In the matter of:

CA. Nikhil P. Shah (M. No. 156463) in Re:

Office No. 2E(A),

Gulmohar Apartment, II Floor,

Above State Bank of India,

East Street Camp,

Pune-411001.

....Respondent

DATE OF FINAL HEARING

:

19th January, 2021

PLACE OF HEARING

:

Physically /video conferencing

PARTIES PRESENT

Respondent

:

CA. Nikhil P. Shah (M.No. 156463)

FINDINGS:

Brief facts of case:

1. On 07th June, 2019, Paper 6 – Information Systems Controls & Audit of final old and new syllabus was held by Institute. The Centre Superintendent of the Centre - Pune Global School & Jr. College Science and Commerce, Pune, Maharashtra vide her email dated 11/6/2019 informed that the Respondent visited the exam centre on 07/6/2019 and posed himself as Special Observer for the exam. As per the Centre Superintendent, the Respondent failed to furnish any appointment letter and lied that he was appointed as Special Observer by Pune ICAI Branch. Centre Superintendent further stated that one of the two observers deputed at the Centre CA. Richa Parmar recognized the Respondent as member of ICAI which misled the school officials to mistakenly believe that the Respondent was also an observer. The Respondent was present at the Centre from 1.30 pm till 5 pm and made couple of rounds and inspected the centre, holding out to observers that he is representing in the capacity of Observer and to the college Officials in the capacity of Special Observer. The Exam Co-ordinator

had stated that the Respondent visited the Centre on 07th June, 2019, but he was not appointed/authorized to visit the Centre. The aforementioned issue was brought before Examination Committee, ICAI which after deliberation, in the matter, strongly disapproved the action of the Respondent to pose himself as Observer without any authority and directed the Examination Department to refer the matter to Disciplinary Directorate for further action in the matter.

Charge alleged:

2. The Board noted the charge against the Respondent that he made unauthorised entry at Examination Centre –Pune Global School & Junior College Science and Commerce, Pune, Maharashtra during conduct of exam held on 7th June, 2019 (Paper6- Information Systems Controls & Audit of final old and new syllabus) and posted himself as special observer for the exam.

Proceedings held:

3. The Board heard the submissions of the Respondent who was present before it through video conferencing and duly considered the documents available on record.

Observations of the Board:

4. The Board on perusal of the documents on record noted that Smt. Ashwani kumar Chawarpatil, the Centre Superintendent of the Examination Centre - Pune Global School & Junior College in her email dated 11th June, 2019 mentioned that the Respondent had stated to the school authorities that *"he had been appointed as a Special Observer by the Pune Branch and he did not carry the letter of appointment to centre 358 with him. He mentioned that there were some copy cases which were found in a specific centre in Baner and for which he was advised to visit our centre (Pune Global School)"*. The above statement regarding Respondent given by the Centre Superintendent was also confirmed by CA. Richa Parmar (Official Observer) and CA Natwarlal Tawani (another Official observer) in their respective emails dated 11th June, 2019. Both the Observers in their e-mail also stated as under:
"when Respondent was asked to sign Form C as a Special Observer, he denied and said he is appointed by Pune Branch and not by Central Office so not authorized to sign, it can be done by the other observers which were present at the Centre".
5. The Board also observed that the Pune Branch Officer, Mr. Mayur Khandale, in his email dated 11th June, 2019 stated that he had not appointed the Respondent as special observer. It is also noted that the Respondent entered the premises of school by giving false statement.
6. The Board also observed that the Respondent in his written statement submitted both at the prima facie stage and during enquiry stage sought for forgiveness for an unintentional and unknown mistake committed by him.
7. The Board was of the view that the Respondent entered the premises of School where the CA exam was being conducted which is an event having high importance and confidentiality. The Respondent entered the premises by giving false statements, which is not expected from anyone especially a Chartered Accountant. Highest standards of ethical behaviour and professional compliance are expected from the members of the

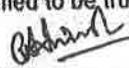
Institute. The aforesaid act of the Respondent is clearly unbecoming of a Chartered Accountant and has brought disrepute to the profession.

CONCLUSION:

8. Thus, the Board of Discipline, in view of the above, is of the considered opinion that the Respondent is **Guilty** of 'Other Misconduct' falling within the meaning of Item (2) of Part IV of the First Schedule to the Chartered Accountants Act 1949 read with section 22 of the said Act.

Sd/-
CA. PRASANNA KUMAR D.
(PRESIDING OFFICER)

Certified to be true copy


R.S. Srivastava
Assistant Secretary,
Disciplinary Directorate

The Institute of Chartered Accountants of India,
ICAI Bhawan, Vishwas Nagar, Shahdra, Delhi-110032