



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

PPR/89/16/DD/8/INF/17/BOD/588/2021

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 Re:

CA. Ketan Mahendrakumar Shah (M.No.134885), Mumbai

[PPR/89/16/DD/8/INF/17/BOD/588/2021]

MEMBERS PRESENT:

CA. Prasanna Kumar D., Presiding Officer (In person)
Mrs. Rani Nair, (IRS, Retd.), Government Nominee (Through video conferencing)

Date of Final Hearing: 9th February, 2022

1. The Board of Discipline vide Report dated 1st February, 2022 held that **CA. Ketan Mahendrakumar Shah (M.No.134885)** is Guilty of "Other Misconduct" falling within the meaning of Item (2) of Part IV of First Schedule to 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. Ketan Mahendrakumar Shah** and communication dated 4th February, 2022 was addressed to him thereby granting him an opportunity of being heard in person and/or to make written representation before the Board on 9th February, 2022.
3. **CA. Ketan Mahendrakumar Shah** appeared before the Board on 9th February, 2022 through video conferencing and made his oral representation thereat. **CA. Ketan Mahendrakumar Shah** in his oral representation inter-alia stated that he is now in practice and is the sole bread winner of his family. He did not benefit out of the circumstances pointed out in the case and further pleaded leniency in the matter.
4. The Board has carefully gone through the facts of the case and also the oral representation of **CA. Ketan Mahendrakumar Shah**.
5. As per the Findings of the Board as contained in its report, it was alleged that **CA. Ketan Mahendrakumar Shah** was working in the capacity of GM-Finance and Accounts with M/s Kuloday Plastomers Pvt. Ltd (KPPL) since 9th October, 2014 and simultaneously applied for job with M/s Satra



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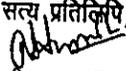
Properties for designation/ post of CFO. While applying with M/s Satra Properties, CA. Ketan Mahendrakumar Shah furnished wrong information that he joined KPPL on 09th October, 2012 and left on 01st October, 2015 and submitted forged documents (Appointment letter, Relieving and Experience letter/ Certificate, payslips etc.) to M/s Satra Properties to secure his appointment. The Board viewed that the documents and email correspondence between CA. Ketan Mahendrakumar Shah and the HR of M/s Satra Properties on the one hand and the Informant company and the HR of M/s Satra Properties on the other hand, rules out any possibility of innocence on the part of CA. Ketan Mahendrakumar Shah much less the creation and manipulation of Salary slips (for the period July to September, 2015), appointment letter dated 9th October, 2012, relieving letter dated 31st October, 2015 and Certificate dated 31st October, 2015 confirming the last drawn salary of CA. Ketan Mahendrakumar Shah as Rs. 17.50 Lacs p.a. with the Informant Company (KPPL) by any person other than CA. Ketan Mahendrakumar Shah. The Board was of the view that the conduct of CA. Ketan Mahendrakumar Shah in having adopted such malpractice in order to secure appointment with M/s. Satra Properties hiding the true facts has certainly brought disrepute to the profession. Being a Member of the Institute, CA. Ketan Mahendrakumar Shah was expected to adopt the highest Standards of ethical behavior which he clearly failed to do so in the instant case. Thus, it has already been conclusively held that CA. Ketan Mahendrakumar Shah 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.

6. Upon consideration of the facts of the case, the consequent misconduct of CA. Ketan Mahendrakumar Shah (M. No. 134885) and keeping in view his oral representation before it, the Board decided to Reprimand CA. Ketan Mahendrakumar Shah (M. No. 134885) and also imposed a Fine of Rs. 25,000/- (Rupees Twenty Five Thousand only) upon him payable within a period of 60 days from the date of receipt of the Order.

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

Date: 11th February, 2022

प्रमाणित सत्य प्रतिकृति / Certified true copy


आर. एस. श्रीवास्तव / R. S. Srivastava
सहायक सचिव / Assistant Secretary
अनुशासनात्मक निदेशालय / Disciplinary Directorate
इंस्टीट्यूट ऑफ चार्टर्ड एकाउंटेंट्स ऑफ इंडिया
The Institute of Chartered Accountants of India
आईसीएआई भवन, विश्वास नगर, शाहदरा, दिल्ली-110032
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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/89/16/DD/8/INF/17/BOD/588/2021****CORAM:**

CA. Prasanna Kumar D., Presiding Officer (in person)
 Smt. Rani Nair, (IRS, retd.), Government Nominee (through video conferencing)

In Re:

CA. Ketan Mahendrakumar Shah (M.No.134885), MumbaiRespondent

DATE OF FINAL HEARING : 30th December, 2021

PLACE OF FINAL HEARING : New Delhi/ through video conferencing

PARTIES PRESENT:

Respondent : CA. Ketan Mahendrakumar Shah

FINDINGS:**Charge Alleged:**

1. The Respondent was working in the capacity of GM-Finance and Accounts with M/s Kuloday Plastomers Pvt. Ltd (KPPL) since 9th October, 2014 and simultaneously applied in another entity M/s Satra Properties for designation/ post of CFO. While applying with M/s Satra Properties, the Respondent furnished wrong information that he joined KPPL on 09th October, 2012 and left on 01st October, 2015 and submitted forged documents (Appointment letter, Relieving and Experience letter/ Certificate, payslips etc.) to M/s Satra Properties to secure his appointment.

Brief of Proceedings held:

2. During the hearing held on 30th December 2021, the Board noted that the Respondent was present before it through video conferencing. He was put on oath. He confirmed that he has read and understood the contents of the modalities and protocols of e-hearing and follow them. The charges alleged against the Respondent were taken as read with his consent. On being asked by the Board as to whether the Respondent pleaded guilty in respect of the charges against him, he

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replied in negative and made his detailed oral submissions before the Board. The Respondent was examined by the Board. On consideration of the documents and submissions on record, the Board decided to conclude the proceedings in the case.

Brief of the submissions of the Respondent:-

3. The Respondent, in his defence, inter-alia, submitted as under:-
 - a. The police complaint lodged against him was transferred from Juhu Police Station to Goregaon East location and on 04/04/2016, the Respondent along with Ms. Priya Belel (HR-KPPL) and one Mr. R.S. Gupta (representative of KPPL) attended the said proceedings that lasted for almost 4-5 hrs and there they cleared all points at the end. The Complainant was also ready to take back the complaint and because of the said meeting, the Respondent got TDS amount in his account against the salary amount deducted.
 - b. All the communication with HR-KPPL were there in the mobile phone of the Respondent which also they snatched on 23rd February 2016, which was not handed over to the Respondent till date and for that HR-KPPL promised in front of the police that they will hand it over to the Respondent but it was not given.
 - c. All the documents (Xerox copies of Exam Certificates) which the Respondent submitted with M/s Satra, were signed /initialed by HR-Satra and then the same were taken on record. But, the same signature/initials are not visible on any document provided by the Informant company which proves that it is not from M/s Satra. To prove this point kindly check all Xerox copy of Certificates (CA-Foundation, PE-II, CA final exam), where it can be clearly seen - ORIGINAL VERIFIED (SIGN OF PRIYA BELEL-HR-KPPL) WITH DATED 06.09.2014) in down left hand side.
 - d. Appointment letter given to the Respondent by KPPL (REF:KPPL/AP/1066) was not signed by Respondent and on last page it is clearly visible that it is not his signature.
 - e. Mail communication of Respondent done from company's own mail ID but now Respondent does not have that. He also had doubt that the print carried mail also is not genuine because a few mails, the Respondent has seen for the first time but now without evidence he can't make comment on the same as he has lost mail access of his account and company account on same date (when his mobile was snatched where he got both access).
 - f. In earlier mail, the Respondent had accepted to pass wrong information and documents to M/s Satra because at that time Respondent was not aware that all these documents were actually not from HR-Satra, but an impression was made as if all have gone to HR-Satra and then she made her initial /sign and made an impression as if the Respondent has really submitted it.
 - g. As a key person GM-Finance, the Respondent was appending his signature on letterhead, and on vouchers and on invoices (as per the needs of the organization and his job profile) and on other documents, from where it can easily be misused. If minutely seen on all signed documents (alleged of Respondent) it can be found that it is in one direction i.e. right hand side. The Respondent also questioned why his sign are required on the documents which have been given to the Respondent by the organization which one can easily check with other

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- organization. It is done clearly to show that Respondent shared detail with HR-Satra.
- h. As a GM-Finance Respondent knew that salary slips in general are generated from the software where it comes with company logo and it requires neither company stamp nor signature of candidate then why Respondent had put his sign on the same as it was not required/ needed.
 - i. Now Respondent has understood as to why the Informant was asking for appointment letter against above ill motive letters, which Respondent did not understand then under cover of other job opportunity she took advantage.
 - j. If genuinely the date of letter (appointment letter/reliving letter and experience letter) is Oct 2015 then why it was waited till February 2016, as Respondent comprehend all scenario now. Had the Respondent thought the same in last response, then the scenario would have been different. But sheer under scare and under unprecedented situation, the Respondent accepted which he never imagined forget about doing.
 - k. Regarding the allegation that Respondent gave information that he worked there from 09.10.2012 till 1st October 2015, the Respondent stated that if he had given that date then he would have required other documents to justify that. But, he has not done that. Otherwise, it would have come from HR.
 - l. Had the Respondent proved the detail at that time to management then there was no need of apologize because then his priority was to clear the issue and go ahead in life. But, the Respondent tried to explain but he was not heard.
 - m. A signed blank page can be used anywhere against you and that's what had happened with him.
 - n. The informant company has tried everything to ruin his professional life. He lost his job in the informant company and also never ever went/joined M/s Satra. Once he had gone for an interview, but, never went to M/s Satra. How all documents reached there that also he does not know. How can one company share documents with others where they know that with all these documents they will get nothing?

Observations and Findings of the Board:

4. In order to ascertain the facts and events of the case, the Board examined the following sequence of events of the case as per submissions of the parties and documents on record:-

Date	Event
09/10/2012	Appointment letter issued to the Respondent for his appointment as "GM-Accounts & Finance" with M/s Kuloday Plastomers Pvt. Ltd (KPPL) with total consolidated salary of Rs. 13,00,000/- (alleged to be manipulated by the Respondent)
10/10/2014	Appointment letter issued to the Respondent for the Job Role "General Manager - Finance & Accounts" with M/s Kuloday Plastomers Pvt. Ltd (KPPL) with annual pay (CTC) of Rs. 14,25,000/-
July, 2015	Payslip issued by KPPL in the name of Respondent with total monthly

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	<p>pay of Rs. 1,18,750/- (net monthly pay of Rs. 1,18,300/-)</p> <p>Payslip issued by KPPL in the name of Respondent with total monthly pay of Rs. 1,45,833/- (net monthly pay of Rs. 1,40,383/-) (alleged to be manipulated by Respondent)</p>
August, 2015	<p>Payslip issued by KPPL in the name of Respondent with total monthly pay of Rs. 1,18,750/- (net monthly pay of Rs. 1,18,300/-)</p> <p>Payslip issued by KPPL in the name of Respondent with total monthly pay of Rs. 1,45,833/- (net monthly pay of Rs. 1,40,383/-) (alleged to be manipulated by Respondent)</p>
September, 2015	<p>Payslip issued by KPPL in the name of Respondent with total monthly pay of Rs. 1,18,750/- (net monthly pay of Rs. 1,18,300/-)</p> <p>Payslip issued by KPPL in the name of Respondent with total monthly pay of Rs. 1,45,833/- (net monthly pay of Rs. 1,40,383/-) (alleged to be manipulated by Respondent)</p>
01/10/2015	Forwarded email from Respondent's email id regarding his resignation from the Informant's company
05/10/2015	Email from Respondent to Asst. HR Satra Properties confirming salary of Rs.17.5 lac and addressing discussion over verification from his boss Mr. Amol Chokhani. The Respondent further stated he told his previous organization that he was shifting to other state and will do CA Practice.This might effect his relation. He further stated that if the company still needs further clarification, then, he will have to take his resignation back and will not be able to M/s Satra.
06/10/2015	Email from Asst. HR M/s Satra Properties addressed to the email id gm.finance@kpplindia.com for employment verification of Respondent with Period of Employment -9 th October 2012 to 1 st October 2015 and Remuneration of Rs. 17.50 lacs p.a.
31/10/2015	<p>Relieving Letter issued by KPPL in favour of the Respondent accepting resignation of the Respondent (alleged to be manipulated by Respondent)</p> <p>Certificate issued by KPPL in favour of the Respondent certifying that Respondent has served KPPL from 9 October 2012 till 31 October 2015 as a GM – Accounts & Finance and last drawn salary of Rs. 17.50 Lacs P.A. (alleged to be manipulated by Respondent)</p>
17/02/2016	Email from HR- M/s Satra Properties to the Respondent stating that his employment verification is still pending and that they cannot proceed without completing that. As and when the same is completed, they will get back to the Respondent.
17/02/2016	In response, email from Respondent to M/s Satra Properties to the effect that he can arrange the same from the HR Department if the documents are sent to the email id gm.finance@kpplindia.com .He also asked them not to call them as they will not revert.
17/02/2016	In response, email from M/s Satra Properties to the Respondent stating that employment verification has already been sent on 13 Feb

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	2016 and 17 Feb 2016 on the email id - <u>hr@kpplindia.com</u> to Ms. Priya and the same will be considered valid only if they get it from the HR KPPL email id <u>hr@kpplindia.com</u> .
18/02/2016	Respondent's email to M/s Satra Properties wherein he stated that HR has stated that since the same has been verbally confirmed over call, the same shall suffice.
20/02/2016	Email from M/s Satra Properties to <u>hr@kpplindia.com</u> forwarding copy of email sent by Respondent with his accepted resignation letter
20/02/2016	Email from HR (KPPL) <u>hr@kpplindia.com</u> to Mr. Amol (Reporting Officer of Respondent) forwarding the aforesaid 20 th Feb 2016 email from M/s Satra Properties.
20/02/2016	Email from M/s Satra to HR(KPPL)- <u>hr@kpplindia.com</u> forwarding Respondent's 18 th February 2016 email wherein he stated that he requested HR Manager to kindly confirm his employment but she clearly denied and replied that they once confirmed the same on call and that suffices.
26/02/2016	Police complaint against Respondent by the Informant company for filing forged documents with signatures.

5. Upon perusal of the various email correspondence on record, the Board observed that there had been continuous exchange of email from the same email id of Respondent which is recorded in the Member records of ICAI with the HR Department of M/s. Satra Properties between October 2015 and February 2016. In one of his emails, he stated to the HR Department of M/s. Satra Properties that he can arrange employment verification if the communication is addressed to the email id- gm.finance@kpplindia.com which was denied by the HR Department of M/s. Satra Properties. The Board also noted that the Respondent was working as a General Manager - Finance and Accounts which has not been denied by the Respondent. The Board further opined that the submission of the Respondent that he had been harassed, his mobile had been snatched and falsification had been done by the Informant, is not backed by any documentary evidence. The Board further viewed that the benefit of submission of such falsified documents accrued in favour of the Respondent only and apart from the Respondent, nobody could have given the same to the proposed employer. The Board also noted that the Respondent denied his signature on the copy of the Appointment letter dated 10th October 2014 brought on record by the Informant as he had never accepted the same. He provided the original copy of the same with his signature and dated 29th October 2014. However, since the complete copy of the Appointment letter was not brought on record alongwith his acceptance by the Respondent, credence to the same was not given by the Board. Also, on perusal of the Member records of ICAI, the Board observed that Respondent's employment with the Informant company had been recorded from 1st November 2014 to 23rd February 2016. The Board further viewed that the documents and email correspondence between the Respondent and the HR of M/s Satra Properties on the one hand and the Informant company and the HR of M/s Satra Properties on the other hand, rules out any possibility of innocence on the part of Respondent much less the creation and

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manipulation of Salary slips (for the period July to September, 2015), appointment letter dated 9th October, 2012, relieving letter dated 31st October, 2015 and Certificate dated 31st October, 2015 confirming the last drawn salary of Respondent as Rs. 17.50 Lacs p.a. with the Informant Company (KPPL) by any person other than the Respondent.

6. Thus, in view of the above observations, the Board was of the view that the conduct of the Respondent in having adopted such malpractice in order to secure appointment with M/s. Satra Properties hiding the true facts has certainly brought disrepute to the profession. Being a Member of the Institute, the Respondent was expected to adopt the highest standards of ethical behavior which he clearly failed to do so in the instant case. Thus, the Respondent is held guilty in respect of the charge alleged.

CONCLUSION:

7. Thus, in conclusion, in the considered opinion of the Board, 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)

Date: 01st February 2022

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सहायक सचिव / Assistant Secretary
अनुशासनात्मक निदेशालय / Disciplinary Directorate
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