



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

PR-324/2018/DD/351/18/BOD/584/2020

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:

Ms. Nikita Arora, Mumbai

...Complainant

-Vs.-

CA. Swapnil Sadashiv Jangam (M.No.160347), Mumbai

...Respondent

[PR-324/2018/DD/351/18/BOD/584/2020]

MEMBERS PRESENT:

CA. Prasanna Kumar D., Presiding Officer

(In person)

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

(Through video conferencing)

Date of Final Hearing: 9<sup>th</sup> February, 2022

1. The Board of Discipline vide Report dated 1<sup>st</sup> February, 2022 held that CA. Swapnil Sadashiv Jangam (M.No.160347) 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. Swapnil Sadashiv Jangam and communication dated 4<sup>th</sup> 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 9<sup>th</sup> February, 2022.

3. CA. Swapnil Sadashiv Jangam appeared before the Board on 9<sup>th</sup> February, 2022 through video conferencing and made his oral representation thereat. CA. Swapnil Sadashiv Jangam further pleaded leniency in his case.

4. The Board has carefully gone through the facts of the case and also the oral representation of CA. Swapnil Sadashiv Jangam.

5. As per the Findings of the Board as contained in its report, with respect to the allegation that CA. Swapnil Sadashiv Jangam without the consent and knowledge of the Complainant filed her Income Tax Return for Assessment Year 2017-18 with the Income Tax Department misusing her login credentials and furnished wrong information including her salary, investments, contact number, email



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ID and bank details, on perusal of Form ITR I for the A.Y. 2017-18, the Board observed that the email id:nikitasarora89@gmail.com and the mobile number 8097410256 had been provided which had been expressly denied by the Complainant as belonging to her. On perusal of the Form ITR-V for the A.Y. 2017-18, the Board observed that the email id:nikitasarora89@gmail.com has been provided wherein the confirmation of the receipt of the Form ITR-V will be sent. As per the Account Login details of the Complainant as per the Income Tax Portal, the return of the Complainant for the A.Y. 2017-8 had been filed on 16th March 2018 for which the acknowledgement had been sent on the email id : caswapnil85-10@yahoo.com on 25th March 2018. The processing of the return had been complete by 10th May 2018 for which the necessary communication had also gone on the same email. The refund amount had been encashed through ECS on 18th May 2018. The bank account in which refund amount of Rs.18,930/- was credited was of Saraswat Cooperative Bank Limited having account number .01720104080988 and the said bank account belonged to Shri Vikram V. Musale. The Complainant received the amount of her TDS to the tune of Rs.18,930/- in her bank account from the account of Mrs Priyanka Musale wife of Shri Vikram Vitthal Musale who was working in the office of the Respondent at the relevant time as per the List of Staff members brought on record by the Respondent.

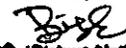
Thus, the Board was of the view that there were various circumstantial and corroboratory evidences on record to suggest that CA. Swapnil Sadashiv Jangam was directly/indirectly privy to the information regarding filing of the Income Tax Return of the Complainant for the AY 2017-18 and his mere denial that he was not associated with the same cannot be accepted at face value. The Board viewed that by indulging in such kind of practice of filing Income Tax Return on behalf of the Complainant without her knowledge and thereby claiming refund from the Income Tax Department which is credited to bank account of his employee and thus, causing wrongful loss to the Complainant is not expected from a Member of the Institute. Such an Act on the part of CA. Swapnil Sadashiv Jangam has certainly brought disrepute to the Profession. Thus, it has already been held that CA. Swapnil Sadashiv Jangam 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. Swapnil Sadashiv Jangam (M.No.160347) and keeping in view his oral representation before it, the Board decided to Reprimand CA. Swapnil Sadashiv Jangam (M.No.160347) and also imposed a Fine of Rs. 15,000/- (Rupees Fifteen 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: 11<sup>th</sup> February, 2022

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

  
बिष्वा नथ तन्तरी / Bishwa Nath Tanti  
कार्यकारी अधिकारी / Executive Officer  
अनुशासनात्मक निदेशालय / Disciplinary Directorate  
इंस्टिट्यूट ऑफ चार्टर्ड एकाउंटेंट्स ऑफ इंडिया  
The Institute of Chartered Accountants of India  
आईसीएआई भवन, विश्वास नगर, शाहदरा, दिल्ली-110032  
ICAI Bhawan, Vishwas Nagar, Shahdra, Delhi-110032  
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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. : PR-324/2018/DD/351/18/BOD/584/2020

CORAM:

CA. Prasanna Kumar D., Presiding Officer (Attended physically)

Smt. Rani Nair, (IRS, retd.), Government Nominee (Through video conferencing)

In the matter of:

**Ms. Nikita Arora**

1302, 13th floor, Marshal Srishti,  
Atmaram Bhoir Marg,  
Off Gaondevi Road,  
Bhandup(West)  
MUMBAI - 400078

...Complainant

-Vs.-

**CA. Swapnil Sadashiv Jangam (M.No.160347)**

E-2, New Dayasagar,  
Room no. 4, Bhatwadi,  
Ghatkopar West,  
MUMBAI 400 084

...Respondent

DATE OF FINAL HEARING : 24<sup>th</sup> December, 2021  
PLACE OF FINAL HEARING : New Delhi/ through video conferencing

PARTIES PRESENT:

Complainant : Ms. Nikita Arora alongwith her husband  
Respondent : CA. Swapnil Sadashiv Jangam  
Counsel for the Respondent : Shivaji k. Farakate, Advocate

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**FINDINGS:**

**Brief Background of the case:**

1. The facts of the case in brief is as under:-
  - a. The Complainant was a resident of New Delhi. After her marriage, she shifted to Mumbai. The Complainant was working at Indian Institute of Technology, Bombay (IITB) since last four years. For Assessment Year 2016-17, her husband approached the Respondent for getting her Income Tax Return filed and emailed the necessary documents including PAN Card, Aadhar Card and Form 16 to him. The Respondent properly filed her Income Tax Return and she got the refund for that year.
  - b. For the Assessment Year 2017-18, the Complainant did not contact the Respondent nor did the Respondent contact her for filing the Income Tax Return. The Respondent still had the documents and login credentials of the Complainant for ITR website.
  - c. On that basis, the Respondent filed Complainant's Income Tax Return without her consent and knowledge, by furnishing wrong information including her salary, investments, contact number, email ID and bank details. The Respondent received an amount of Rs. 18,930 in the bank details that he had uploaded which does not belong to the Complainant. The Respondent filed her return on 16/03/2018 and he received the refund on 18/05/2018 in the bank account number 017200104080988, which belongs to Saraswat Cooperative Bank Limited, IFSC – SRCB0000017.

**Charge alleged:**

2. The Respondent without the consent and knowledge of the Complainant filed her Income Tax Return for Assessment Year 2017-18 with the Income Tax Department misusing her login credentials. The Respondent furnished wrong information including her salary, investments, contact number, email ID and bank details. The Respondent further received an amount of Rs. 18,930 in the bank details that he had uploaded which does not belong to Complainant. The Respondent filed her return on 16/03/2018 and he received the refund on 18/05/2018 in the bank account number 017200104080988, which belongs to Saraswat Cooperative Bank Limited, IFSC – SRCB0000017.

**Brief of Proceedings held:**

3. During the hearing held in the case on 24<sup>th</sup> December 2021, the Complainant alongwith her husband and the Respondent alongwith his Counsel were present before the Board through video conferencing, they confirmed that they have read and understood the contents of the modalities and protocols of

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were put on oath. The charges alleged against the Respondent were taken as read with the consent of parties present. On being asked by the Board as to whether the Respondent pleaded Guilty in respect of the charges alleged against him; he replied in negative and his Counsel made detailed oral submissions before the Board. The Complainant also made submissions in support of the allegations alleged against the Respondent. 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:**

**(a) Submissions of the Respondent:**

4. The Board noted that the Respondent, in his defence, inter-alia, stated as hereunder:-
  - a. He is a Chartered Accountant by profession since 2014, in practice and rendering services to his clients satisfactory and except the present complaint, no person, company, institution etc. has made any grievance / complaint against him to this Hon'ble Authority or any other Authority.
  - b. Somewhere in the year 2016, the husband of the Complainant had approached him to submit/ file Income Tax Return of the Complainant for the AY 2016-17 and accordingly, at his request and on the basis of documents, passbooks and records provided by the husband of Complainant, the Respondent submitted the Income Tax Return for the AY 2016-17 to her satisfaction and she did not made any complaint/ grievance against the Respondent with the present Authority or any other Authority.
  - c. The Respondent has been victimized and on mere suspicion, the Complainant got registered the Crime with Ghatkopar Police Station vide C.R. No. 560/2018 dated 12/09/2018 for offence punishable under Section 420 IPC r/w S. 65, 66C & 66D of IT Act wherein Respondent was arrested by the concerned police station and Respondent was in custody for about 8 days for nothing. After completing the investigation, the Ghatkopar Police Station, Mumbai has filed Charge Sheet against the Respondent before Hon'ble Metropolitan Magistrate, 49th Court, Vikroli, Mumbai and Respondent is facing Trial before Ld. Magistrate, 49th Court, Vikhroli, Mumbai for nothing. The matter has not yet commenced and proved against him, therefore, the Respondent cannot be held guilty for charges levelled against him.
  - d. The Respondent has not misused the information of the Complainant and has not filed her Income Tax Return for the AY 2017-18 and 2018-19 and not misappropriated the refund amount of Rs. 18,930/- as alleged.
  - e. The Hon'ble Authority has made out Prima Facie Opinion against the Respondent without any evidence and the Statement submitted by the Complainant which is recorded by the police in their investigation.

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- f. By perusing the entire Charge Sheet and material produced on record, there is absolutely no evidence to prove that the IT Return is filed/ submitted by Respondent.
- g. The Complainant suspected that the said IT return is filed by Respondent but by perusing the said IT return, it cannot be proved that the said IT return is filed by Respondent and misappropriated an amount of Rs. 18,930/- and thereby, cheated the Complainant.
- h. The Complainant has approached this authority on the basis of conversation between them but the said conversation and recording of CD requires the authenticity under the provisions of law.
- i. During investigation, the Officer of the Ghatkopar Police Station, Mumbai recovered an amount of Rs. 18,930/- from the Respondent which does not mean that the Respondent has cheated the Complainant. The Respondent has refunded an amount of Rs. 18,930/- to the Complainant before registering the Crime with the Ghatkopar Police Station, Mumbai then how the police can recover the same amount from the Respondent during investigation.
- j. On perusal of Statement dated 12/09/2018 of the Complainant, recorded before police, it clearly shows that her husband called the Respondent for submission of IT return for AY 2017-18 and 2018-19 then Respondent asked him to send photocopy of Form No. 16 of the Complainant. If the Respondent would have filed the IT returns for the said period before they called him then the Respondent would have not asked him for the Form No. 16 for the period 2017-18 and 2018-19 which shows that the Respondent was not aware that the IT return of the Complainant was submitted for AY 2017-18 and 2018-19.
- k. The Respondent never told the husband of the Complainant that she may get an amount of Rs. 18,000/- towards TDS.
- l. The Complainant has submitted the documents showing his email in the Income Tax Portal account of the Complainant. The Respondent has also observed that his email ID is reflected in the Income Tax Portal account of the Complainant but it may be considered that admittedly Respondent has submitted the IT Return of the Complainant for AY 2016-17 wherein registered email ID: caswapnil85-10@yahoo.com but the person who has filed the IT return for AY 2017-18 might have not changed the earlier email ID. Therefore, his email ID is reflected in the said portal and merely having the said email ID in the said portal, does not mean that Respondent has filed the IT Return.

**(b) Submissions of the Complainant:-**

5. The Complainant submitted the copy of the following documents as evidences to substantiate the allegations alleged against the Respondent:-
  - a. CPC Receipt Password bmppa1026g10071989
  - b. FIR Copy
  - c. FORM ITRV\_17-18
  - d. Form16 Assessment Year\_17-18

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- e. FORM-I
- f. ITR1\_17-18
- g. Her Return Status
- h. Police Complaint
- i. Refund Status
- j. SBI Complaint
- k. All the case details including the evidence collected by the Ghatkopar West, Mumbai Police, IP Address used by the Respondent for this crime and the bank account details wherein the refund amount has been received, which belonged to Sh. Vikram Vithal Musale, employed under the Respondent.

**Observations and Findings of the Board:**

6. Upon overall examination of the facts of the case, submissions and documents on record, the Board observed as under:-
- a. The Board noted that it has been alleged by the Complainant that the Respondent has filed the Income Tax Return of the Complainant for the Assessment Year 2017-18 without her knowledge. On perusal of the Form ITR-V for the A.Y. 2016-17 which had been admittedly filed by the Respondent for the Complainant, the Board observed that the email id: caswapniljangam@gmail.com has been provided wherein the confirmation of the receipt of the Form ITR-V will be sent.
  - b. On perusal of the Form ITR I for the A.Y. 2017-18, the Board observed that the email id:nikitarora89@gmail.com and the mobile number 8097410256 had been provided which has been expressly denied by the Complainant as belonging to her.
  - c. On perusal of the Form ITR-V for the A.Y. 2017-18, the Board observed that the email id:nikitarora89@gmail.com has been provided wherein the confirmation of the receipt of the Form ITR-V will be sent.
  - d. As per the Account Login details of the Complainant as per the Income Tax Portal, the return of the Complainant for the A.Y. 2017-8 had been filed on 16<sup>th</sup> March 2018 for which the acknowledgement had been sent on the email id : caswapnil85-10@yahoo.com on 25<sup>th</sup> March 2018. The processing of the return had been complete by 10<sup>th</sup> May 2018 for which the necessary communication had also gone on the same email. The refund amount had been encashed through ECS on 18<sup>th</sup> May 2018.
  - e. The bank account in which refund amount of Rs.18,930/- was credited was of Saraswat Cooperative Bank Limited having account number 01720104080988 and the said bank account belonged to Shri Vikram V. Musale.
  - f. The Complainant filed police complaint against the Respondent dated 26th August, 2018 and FIR was duly registered on 12th September,2018.

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- g. The Respondent sent a message dated 03rd September, 2018 to the Complainant that he has transferred the amount to the Complainant's SBI account after the complaint against him was filed by the Complainant with Police on 26th August, 2018.
- h. The Complainant received the amount of her TDS to the tune of Rs.18,930/- in her bank account from the account of Mrs Priyanka Musale wife of Shri Vikram Vitthal Musale who was working in the office of the Respondent at the relevant time as per the List of Staff members brought on record by the Respondent.
- i. Shri Vikram V. Musale has accepted in his Statement dated 15.09.2018 before Police Inspector, Ghatpokar Police Station that he was working with the Respondent and amount of refund of Rs. 18,930/- was deposited in his account and same was withdrawn by him and paid to the Respondent. Shri Vikram V. Musale further submitted before Police that in September, 2018 the Respondent told him to transfer the amount of refund to the Complainant account. Since Shri Vikram V. Musale was not having balance in his account so he transferred the amount from his wife's account.
- j. The Respondent was examined by the Board during the hearing wherein he stated that he did not any action against his employee in whose account the refund had been credited as he was not working thereafter with him.
7. In view of the aforesaid observations, the Board was of the view that there were various circumstantial and corroboratory evidences on record to suggest that the Respondent was directly/indirectly privy to the information regarding filing of the Income Tax Return of the Complainant for the AY 2017-18 and his mere denial that he was not associated with the same cannot be accepted at face value.
8. The Board viewed that by indulging in such kind of practice of filing Income Tax Return on behalf of the Complainant without her knowledge and thereby claiming refund on her behalf from the Income Tax Department in a bank account causing wrongful loss to the Complainant is not expected from a Member of the Institute. Such an Act on the part of the Respondent has certainly brought disrepute to the profession and accordingly, the Respondent is held Guilty in respect of the Charge alleged.

**CONCLUSION:**

9. 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

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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: 1<sup>st</sup> February, 2022

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मुकेश कुमार मिश्रा / Mukesh Kumar Mittal  
सहायक सचिव / Assistant Secretary  
अनुशासनिक निदेशालय / Disciplinary Directorate  
इंस्टीट्यूट ऑफ चार्टर्ड अकाउंटेंट्स ऑफ इंडिया  
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