



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

[PR/267/2018-DD/302/2018-DC/1481/2021]

**ORDER UNDER SECTION 21B(3) OF THE CHARTERED ACCOUNTANTS ACT, 1949 READ WITH RULE 19(1) OF THE CHARTERED ACCOUNTANTS (PROCEDURE OF INVESTIGATION OF PROFESSIONAL AND OTHER MISCONDUCT AND CONDUCT OF CASES) RULES, 2007.**

[PR/267/2018-DD/302/2018-DC/1481/2021]

**In the matter of:**

**Shri Ritesh Dholu,  
M/s. Rattan Worldwide Pvt. Ltd.,  
1<sup>st</sup> Floor, Plot No. 442,  
Sector 1-a, Gayatri Mandir Road,  
Gandhidham- 370201**

.....Complainant

**Versus**

**CA. Mahendra Jagannath Tiwari (M.No.118416),  
Shop No. 11, G-10,  
Janta Housing Society,  
Jesal park, Bhayander East,  
Bhayandar – 401105**

.....Respondent

**MEMBERS PRESENT:**

1. CA. (Dr.) Debashis Mitra, Presiding Officer (Present in person)
2. Mrs. Rani Nair, I.R.S. (Retd.), Government Nominee (Present in person)
3. Shri Arun Kumar, I.A.S. (Retd.), Government Nominee (Present in person)
4. CA. Rajendra Kumar P, Member (Through Video-Conferencing Mode)
5. CA. Cotha S Srinivas, Member (Present in person)

**DATE OF MEETING : 07.12.2022 (Through Physical/ Video Conferencing Mode)**

1. That vide findings under Rule 18 (17) of the Chartered Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007, dated 26<sup>th</sup> August 2022, the Disciplinary Committee was inter-alia of the opinion **CA. Mahendra Jagannath Tiwari (M.No.118416), Bhayandar** (hereinafter referred to as the **Respondent**) was **GUILTY** of professional misconduct falling within the meaning of Item (7) of Part I of the Second Schedule to the Chartered Accountants Act, 1949.

2. The Committee noted that the Respondent was present through video conferencing mode. He relied on his written submissions, dated 6<sup>th</sup> December 2022. He further added that the error of not mentioning the date was an unintentional error and had not caused financial loss to anyone. The Respondent prays to have the mildest possible punishment to him, as it was an unintentional error on his part.



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3. The Committee, while looking into the matter and the conduct of the Respondent, is of the opinion that for the alleged period, i.e. financial years 2016-17 and 2017-18, the Respondent had not mentioned any date of signing on financial statements. However, in the audit report, the Respondent failed to mention the date of signing with respect to the financial year 2016-17 only. The Committee observed that the Respondent was grossly negligent in mentioning the date of signing the financial statement and audit report with respect to the previous financial year, i.e. 2015-16, also. Therefore, in view of the above, the Committee noted that the same is a clear violation of SA 700.
4. The Committee, while considering written and oral submissions by the Respondent, observed that there was a technical error, which was duly accepted by the Respondent. The Committee further observed that factors explained by him in his submissions reveal that the lapse was without any ill-motive and has caused no harm to anyone. However, he was required to be more cautious while doing his professional assignments.
5. Accordingly, ends of justice can be met if reasonable punishment is given to him in commensurate with his above professional misconduct.
6. Therefore, keeping in view the facts and circumstances of the case, the material on record, and the submissions of the Respondent before it, the Committee ordered that CA. Mahendra Jagannath Tiwari (M.No.118416), Bhayandar be Reprimanded along with a fine of Rs.50,000/- (Fifty Thousand Rupees only).

Sd/-

CA. (DR.) DEBASHIS MITRA  
PRESIDING OFFICER

Sd/-

(MRS. RANI NAIR, I.R.S. RETD.)  
GOVERNMENT NOMINEE

Sd/-

(SHRI ARUN KUMAR, I.A.S. RETD.)  
GOVERNMENT NOMINEE

Sd/-

(CA. RAJENDRA KUMAR P)  
MEMBER

Sd/-

(CA. COTHA S SRINIVAS)  
MEMBER

DATE: 16.01.2023  
PLACE: NEW DELHI

सही प्रतिलिपि होने के लिए प्रमाणित/  
Certified to be true copy  
मीनू गुप्ता / Meenu Gupta  
कार्यकारी अधिकारी / Executive Officer  
अनुरागरनात्मक निदेशालय / Disciplinary Directorate  
इंस्टीट्यूट ऑफ चार्टर्ड एकाउंटेंट्स ऑफ इंडिया  
The Institute of Chartered Accountants of India  
आर्कसीएआई भवन, विश्वास नगर, शाहदरा, दिल्ली-110032  
ICAI Bhawan, Vishwas Nagar, Shahdara, Delhi-110032

CONFIDENTIAL

DISCIPLINARY COMMITTEE [BENCH – II (2022-2023)]

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

Findings under Rule 18(17) of the Chartered Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007.

File No. : [PR-267/18-DD/302/2018/ DC/1481/2021]

In the matter of:

**Shri Ritesh Dholu,  
M/s. Rattan Worldwide Pvt. Ltd.,  
1<sup>st</sup> Floor, plot No. 442,  
Sector 1-a, Gayatri Mandir Road,  
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**.....Complainant**

**Versus**

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Shop No. 11, G-10,  
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Jesal park, Bhayanadar East,  
Bhayandar – 401105**

**.....Respondent**

MEMBERS PRESENT:

**CA. (Dr.) Debashis Mitra, Presiding Officer (Present in person)  
Mrs. Rani Nair, I.R.S. (Retd.), Government Nominee (Present in person)  
Shri Arun Kumar, I.A.S. (Retd.), Government Nominee (Present in person)  
CA. Cotha S Srinivas, Member (Present in person)**

**DATE OF FINAL HEARING : 13.07.2022 (Through Physical/ Video Conferencing mode)**

PARTIES PRESENT :

**Complainant : Mr. Ritesh Dholu alongwith his Counsel CA. Gyan Singhvi  
(Through Video Conferencing mode)**

**Respondent : CA. Mahendra Jagannath Tiwari (Present in Person)**

**CHARGES IN BRIEF:-**

1. The Committee noted that in the present case, the Respondent was held Prima-Facie Guilty by Director (Discipline) of Professional Misconduct falling within the meaning of Item (7) of Part I of the Second Schedule on the charge that the Audit Report and Financial Statement of the Company i.e. M/s CCIC India Pvt. Ltd. was not dated deliberately or intentionally by the Respondent continuously for the years 2016-17 & 2017-18.

**BRIEF FACTS OF THE PROCEEDINGS:**

2. On the day of the final hearing held on 13<sup>th</sup> July 2022, the Committee noted that the Complainant along with his Counsel, CA. Gyan Chand Sanghvi was present through Video Conferencing mode. The Respondent was also present in person from the ITO office of ICAI at New Delhi. The Committee observed that this matter was earlier fixed on 1<sup>st</sup> June 2022 and was part heard and adjourned after administering an Oath to both parties. Thereafter, the Complainant/ Counsel to open the charges against the Respondent. The Respondent made detailed submissions in his defence. After considering all papers available on record and after detailed deliberations and recording the submissions, the Committee decided to conclude the matter.

**FINDINGS OF THE COMMITTEE**

3. The Committee noted the Complainant's Counsel while explaining the charges started from various other charges on which the Respondent was held prima-facie not guilty by the Director (Discipline). Accordingly, the Committee categorically asked the Complainant to limit his arguments to the charge on which the Respondent was held Prima-Facie Guilty by Director (Discipline). The Complainant's Counsel on that charge, to substantiate the fact the financial statements are deliberately undated, submitted that the audit reports and financial statements of the Company were filed by the Respondent on the MCA portal at much later than the due date.
4. The Committee noted that the Respondent, on the same, at the outset, questioned on locus-standi of the Complainant as according to him the

Complainant was not authorized by Board of Directors to file the present complaint against him. The Committee on perusal of documents on records clarified him that the present case was filed by the Complainant in his personal capacity and accordingly directed him to argue on merits of the case.

5. The Respondent, while replying to the merits, negated the allegation and submitted that he had filed all the returns as well as financial statements on time. The Committee from perusal of **Form No. AOC-4**, for the Financial Year 2015-16 to 2017-18, **downloaded from the MCA portal** noted as under:

Financial Year	Audit Report	Financial Statements
2015-16	Date not mentioned	Date not mentioned
2016-17	Date not mentioned	Date not mentioned
2017-18	05-10-2018	Date not mentioned

The Committee hence observed that for the alleged period i.e. financial year 2016-17 and 2017-18 the Respondent had not mentioned any date of signing, on financial statements. However, in the audit report, the Respondent, failed to mention date of signing in respect of the financial year 2016-17 only. The Committee observed that the Respondent was grossly negligent in mentioning the date of signing of the financial statement and audit report in respect of the previous financial year i.e. 2015-16 also.

6. When the Respondent was informed about the actual dates of filing of AOC-4, he accepted the same and submitted before the Committee that the late filing fee was duly paid by the Company for delayed filing of AOC-4. The Respondent added in his submission that his omission to put date through oversight was unintentionally and was never for causing harm or loss to anyone. He added that it was a minor lapse on his part which may be condoned, and he may be absolved/exonerated from the charge of violation of SA-700 with respect to non-mentioning of the date on the financial statements and the audit report.
7. The Committee noted that the financial statements for the Financial Years 2015-16 to 2017-18 of the Company were signed by the Respondent, and even though the said documents were signed and sealed by the Respondent, yet they were

श्री रितेश धोलु, बयानदार



श्री रितेश धोलु, बयानदार  
श्री महेंद्रा जगन्नाथ तिवारी, बयानदार

left undated, which is a clear violation of SA 700 (Forming an Opinion and Reporting on Financial Statements).

Para 47 of SA 700 deals with "other auditor's responsibilities" according to which "The auditor's report shall be dated no earlier than the date on which the auditor has obtained sufficient appropriate audit evidence on which to base the auditor's opinion on the financial statements, including evidence that:

- (a) All the statements that comprise the financial statements, including the related notes, have been prepared; and
- (b) Those with the recognized authority have asserted that they have taken responsibility for those financial statements".

In view of the above, the Committee noted that since the Respondent left his reports undated, the same being a clear violation of SA 700.

8. Therefore, in view of the above, looking into the fact that the financial statements and the audit report were undated (as depicted in table at para 5 above) , which was a clear violation of SA 700, the Committee is of the view that the Respondent, while signing the Audit Report and Financial statements of the Company, failed to exercise due diligence expected from him and was grossly negligent in performing his professional assignments.

### CONCLUSION

9. In view of the above findings stated in the above para's vis-a-vis material on record, the Committee in its considered opinion holds the Respondent **GUILTY** under Item (7) of Part-I of the Second Schedule to the Chartered Accountants Act, 1949.

Sd/-  
(CA. (DR.) DEBASHIS MITRA)  
PRESIDING OFFICER

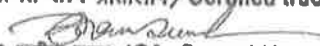
Sd/-  
(MRS. RANI NAIR, I.R.S. RETD.)  
GOVERNMENT NOMINEE

Sd/-  
(SHRI ARUN KUMAR, I.A.S. RETD.)  
GOVERNMENT NOMINEE

Sd/-  
(CA. COTHA S SRINIVAS)  
MEMBER

DATE: 26.08.2022  
PLACE: NEW DELHI

प्रमाणित सत्य प्रतिलिपि / Certified true copy

  
सीए. सुनील कुमार / CA. Suneel Kumar  
सहायक सचिव / Assistant Secretary  
अनुशासनमालक निदेशालय / Disciplinary Directorate  
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