



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

[PR/139/17-DD/187/2017/DC/1265/2020]

**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/139/17-DD/187/2017/DC/1265/2020]

**In the matter of:**

Shri Ajit Singh Mehra,  
Chief Manager, State Bank of India,  
103, Abhishree Complex,  
Opposite Star Bazar, Satellite Road,  
Ahmedabad- 380 015

.....Complainant

Versus

CA. Vijay Kumar Chopra (M.No.138740),  
Erstwhile Partner, M/s. Deepak Agrawal & Co.,(FRN 134263W)  
Plot No.23, Shree Kushal Nagar,  
Shobhavato Ki Dhani Road,  
Kheme Ka Kuwa, Pal Road  
Jodhpur- 342005

.....Respondent

**MEMBERS PRESENT:**

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

**DATE OF MEETING : 29.12.2022 (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 7<sup>th</sup> November 2022, the Disciplinary Committee was inter-alia of the opinion **CA. Vijay Kumar Chopra**

Shri Ajit Singh Mehra, Chief Manager, State Bank of India, Ahmedabad -Vs- CA. Vijay Kumar Chopra (M.No.138740), Erstwhile Partner, M/s. Deepak Agrawal & Co., Chartered Accountants, Jodhpur



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(M.No.138740), Jodhpur (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. The Respondent relied on his written submissions dated 24th November 2022. He submitted that the alleged certificate was not signed by him, and the signatures on the certificate are different to those available on ICAI records. He added that the letter head on which such certification is given is computer generated and that too is not the official letterhead of his firm. It was also pleaded by him that the certificate is undated, and the place is also not mentioned. He further added that he was never appointed by the client for alleged certification, and no fee was ever paid by the client to him in this regard.

3. The Committee, while looking into the matter and the conduct of the Respondent, is of the opinion that the Respondent, though mentioned in his defence that the certificate was not signed by him as his signatures are different and his letter head and address/ telephone details are different, yet he failed to substantiate his claim at any stage. The Committee noted that the Respondent, on being aware of such forgery, had not even filed an FIR.

4. On the specific query as to the non-filing of FIR by the Respondent, he failed to provide reasonable justification for not filing the complaint or FIR with the Police. The Committee noted that the Respondent at every stage of the case, including his representation at the hearing stage, followed a very casual approach as he failed to submit his written statement at the Prima-facie stage and his defence was merely denying the charge, and that too without any evidentiary proof. The Committee further noted that the Respondent rather shifted his wrongdoing onto some other person without even collaborating with any evidence or even producing any complaint against the misuse of his signature and letterhead as claimed by him. The Committee accordingly observed that, in the absence of any documentary evidence, the Respondent failed to justify his submissions. While noting disregard of the Disciplinary mechanism by the Respondent, the Committee was of the view that ends of justice can be met if reasonable punishment is given to him in commensurate with his above professional misconduct.



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5. 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 the name of the Respondent - CA. Vijay Kumar Chopra (M.No.138740), Erstwhile Partner, M/s. Deepak Agrawal & Co., Chartered Accountants, Jodhpur, be removed from the Register of Members for a period of six months along with a fine of Rs. 1,00,000/- (Rupees One Lakh 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

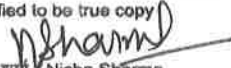
sd/-

(CA. COTHA S SRINIVAS)  
MEMBER

DATE: 11.02.2023

PLACE: NEW DELHI

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

  
निशा शर्मा / Nisha Sharma  
वरिष्ठ कार्यकारी अधिकारी / Sr. 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, 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/139/17-DD/187/17-DC/1265/20]**

**In the matter of:**

**Shri Ajit Singh Mehra,  
Chief Manager, State Bank of India,  
103, Abhishree Complex,  
Opposite Star Bazar, Satellite Road,  
Ahemdabad – 380 015**

**.....Complainant**

**Versus**

**CA. Vijay Kumar Chopra, (M. No. 138740)  
Erstwhile Partner, M/s Deepak Agrawal & Co., (FRN 134263W)  
Plot No. 23, Shree Kushal Nagar,  
Shobhavato Ki Dhani Road,  
Kheme Ka Kuwa, Pal Road,  
Jodhpur – 342 005**

**..... Respondent**

**MEMBERS PRESENT:**

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

**DATE OF FINAL HEARING : 23.08.2022 (Through Video Conferencing)**

**PARTIES PRESENT :**

**Respondent : CA. Vijay Kumar Chopra (Through Video Conferencing Mode)**

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**CHARGES IN BRIEF:-**

1. The Committee noted that in the present case the Director (Discipline) had held the Respondent Prima-facie Guilty of Professional Misconduct falling within the meaning of Item (7) of Part I of the Second Schedule to the Chartered Accountants Act, 1949 on the charge that the Respondent had issued a certificate on 15<sup>th</sup> December 2012 for M/s. Rajsha Pharmaceuticals (Prop. Rajendra Shah) certifying that a fresh capital of Rs. 50.08 lacs was induced during the year 2012-13, whereas no such capital was introduced by the Company as the said certificate was issued by the Respondent without any supporting evidence.

**BRIEF FACTS OF THE PROCEEDINGS:**

2. On the day of the final hearing held on 23rd August 2022, the Committee noted that the Complainant was not present. However, CA. Vijay Kumar Chopra was present through Video Conferencing Mode. The Committee noted that this case was part heard and adjourned on 30th September 2021.
- 2.1 The Committee noted that the Complainant Department never appeared before this bench and never informed about their presence before the Committee. The Committee noted that the Complainant Department never appeared before this bench and never informed about their presence before the Committee. The Committee looking into the same decided to hear the matter ex-parte.
- 2.2 Thereafter, the Committee enquired from the Respondent that since, the composition of the Committee had changed further from the previous hearing, as to whether he wished to have a de-novo hearing. On the same, the Respondent submitted that the Committee may continue its proceedings in this matter from the stage it was left at the last hearing. The Committee acceded to his request and continued the hearing.

- 2.3 After hearing the Respondent, after considering all papers available on record and after detailed deliberations and submissions, the Committee decided to conclude the hearing.

### FINDINGS OF THE COMMITTEE

3. The Committee noted that the Respondent with regards to the charge against him submitted that he had already submitted his written submissions and he had not issued the alleged certificate. He further submitted that the letter head and address mentioned on the letter head were different and that address was changed one year back. He further mentioned that the signature on the alleged certificate is entirely different when compared with the signature available with ICAI.
4. The Respondent also submitted that the letter head is not the official letter head of his firm, the letter head used in the certificate is only a computer generated letter and not a printed letter and the alleged certificate was undated, and place was also not mentioned in that certificate.
5. On the specific question of the Committee as to why the Respondent had not filed any FIR against the client, the Respondent failed to provide reasonable justification for not filling the complaint/ FIR with the Police. He merely submitted that he was unaware of the same certificate and when he received this complaint letter from the Institute he only came to know about the said fact and he was not aware as to, against whom he should file the FIR and this is one of the reasons for the delay in filling of his reply.
6. The Committee noted that the Respondent at prima-facie stage and vide email dated 21<sup>st</sup> November 2017 had sought time for submission of the written statement and, despite the same, had not submitted his written statement at prima-facie stage. The Committee noted, surprisingly, the Respondent is now claiming that he was not aware of the case and was not aware as to against

whom he should file his FIR. The Committee also noted that the Respondent had not even provided the additional documents specifically called from him by the Director (Discipline). During the hearing also, the Respondent provided the answer, very casually, to the question put forth by the Committee to him.

7. The Committee noted that the alleged certificate was on the letter head of the Respondent along with his signature, membership number and seal of the firm. The Committee further noted that the signatures on the alleged certificate were also similar to his signature available with ICAI records. Further, similar signatures were submitted by the Respondent in the declaration filed by him for attending the hearing through Video Conferencing Mode. Accordingly, the Committee opined that the defense of the Respondent, that he had not issued the alleged certificate, is an afterthought of the Respondent and hence cannot be relied upon.
8. The Committee also noted that as per the Audit Report for the year ended 31<sup>st</sup> March 2013, issued by one CA. Prasad M. Dixit, Ahmedabad, that no addition of capital had taken place during the year 2012-13 (**Page C-9 of Prima-facie opinion**), whereas the Respondent has certified that there was addition in capital during the year.
9. The Committee further noted that the Respondent was required to be more vigilant while performing his professional duties, because when a professional certifies something, he becomes liable or responsible for its factual accuracy. In this regard, it is noted that Point 2.2 of "Guidance Note on Audit Reports and Certificates for Special Purposes" provides as under:

".....when a reporting auditor issues a certificate, he is responsible for the factual accuracy of what is stated therein."

The Committee noted that the certificate issued by the Respondent was incorrect and the Respondent failed in applying due diligence before issuance of the certificate.

**CONCLUSION**

10. In view of the above findings, the Committee in its considered opinion hold the Respondent is **GUILTY** of Professional Misconduct falling within the meaning of Item (7) of Part I of the Second Schedule to the Chartered Accountants Act, 1949.

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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

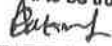
sd/-  
(CA. RAJENDRA KUMAR P)  
MEMBER

sd/-  
(CA. COTHA S SRINIVAS)  
MEMBER

DATE : 7.11.2022

PLACE : NEW DELHI

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

  
अरुण कुमार / Arun Kumar  
कार्यकारी अधिकारी / Executive Officer  
अनुरासनात्मक निदेशालय / Disciplinary Directorate  
इंस्टिट्यूट ऑफ चार्टर्ड एकाउंटेंट्स ऑफ इंडिया  
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