

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

CA. Vidhi Goel, New Delhi

Vs.

CA. Alok Shukla, New Delhi

[PR/218/13/DD/238/2013/BOD/209/16]

CORAM:

CA. G. Sekar, Presiding Officer
Shri R. K. Tewari (Government Nominee)
CA. Dhinal Ashvin bhai Shah, Member

In the matter of:

CA. Vidhi Goel,
Partner of M/s Vinod Sanjeev Bindal & Co.,
Chartered Accountants,
Shiv Sushil Bhawan,
D-219, Vivek Vihar-I,
New Delhi-110 095

.....Complainant

Versus

CA. Alok Shukla (M. No.084447)
M/s K N A Associates(FRM No.014111N),
10, Sagar Apartment,
6, Tilak Marg,
New Delhi-110 001

.....Respondent

DATE OF HEARING: 13.12.2018
PLACE OF HEARING: NEW DELHI

PARTIES PRESENT:

Counsel of the Complainant : **Shri. Siddharth Garg, Advocate**
Respondent : **CA. Alok Shukla**
Counsel of the Respondent : **CA. A. K. Vali**

Findings:

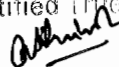
1. The Board noted that the charges on which the Respondent has been held prima facie guilty is that the Respondent has certified the annual accounts for the financial years ended on 31.03.2010 to 31.03.2012 of the M/s Tracon International Limited i.e. the Company without obtaining NOC from the Complainant.
2. The Board noted that from the records, it is coming out that M/s Manu Sharma & Company had audited the accounts of the Company from 2006-07 to 2008-09.
3. The Board also noted that as per Council Guidelines, the term "previous auditor" means the immediately preceding auditor who held same or similar assignment comprising same/similar scope of work. The Board on perusal of copy of letter dated 31.08.2010, noted that the Respondent had communicated with previous auditor M/s Manu Sharma & Co. The said letter was duly acknowledged by the previous auditor and confirmed that they don't have any objection on the Respondent appointment as an auditor.
4. The Counsel of the Complainant in this regard invited attention to letter dated 02.07.2010 of M/s Manu Sharma & Co. whereby CA Manu Sharma mentioned that he had not audited the accounts of the Company. The Counsel of the Complainant also invited attention of the Board to affidavit dated 02.07.2010 submitted by CA. Manu Sharma. On perusal of the same it is noted that the signature on the affidavit were not matching with his signature on documents annexed with affidavit.
5. The Board in this regard also noted from the submission of the Respondent/his Counsel that copies of returns submitted with ROC for F.Y. 2006-07 to 2008-09 clearly shows that these have been audited by M/s Manu Sharma & Co. The Board also noted that the submission of the Respondent's Counsel that bank statement of the Company establishes that professional fees were paid the M/s
Manu Sharma & Co.

6. The Board also noted that the Counsel of the Complainant on the specific question posed to him, that as to how the Respondent be expected to have constructive knowledge that CA. Manu Sharma was not bonafide auditor of the Company, failed to give any cogent reply. The Board also noted that the Complainant had not filed any complaint against CA. Manu Sharma.
7. The Board further noted that the Complainant had no sufficient reason for not having the knowledge and reason to suspect that the Company has committed forgery and has filed the returns before the Income Tax Department and before ROC for six years by bypassing them fraudulently.
8. The Board also perused the submission of the Complainant and the Respondent vide their letters dated 18.12.2018 and 21.12.2018 respectively. The Board on perusal noted that CA. Manu Sharma never lodged any complaint with ROC or Income Tax Authorities or with Police or any other legal authority alleging that they were never auditors of the Company for the said period and they have not signed financial statements for three years.
9. Accordingly, the Board in considered view is of the opinion that the Complainant Respondent is Not Guilty of the charge alleged against him.

CONCLUSION:

10. Thus, the Board concluded that the Respondent is held **NOT GUILTY** of Professional Misconduct falling within the meaning of Clause (8) of Part I of First Schedule to the Chartered Accountants Act, 1949. Accordingly, in terms of the provisions of Rule 15(2) of the Chartered Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules 2007, the Board passes Order for closure of the case.

<p>Sd/- (G. SEKAR) PRESIDING OFFICER</p>	<p>Sd/- (R K TEWARI) GOVERNMENT NOMINEE</p>	<p>Sd/- (DHINAL ASHVINBHAI SHAH) MEMBER</p>
<p>DATE: NEW DELHI PLACE: 2nd FEBRUARY, 2019</p>		

Certified True Copy

 R.S. Srivastava
 Assistant Secretary
 Disciplinary Directorate
 The Institute of Chartered Accountants of India
 ICAI Bhawan, I.P. Marg, New Delhi-110 002

