

## **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/7/W/13/DD/10/W/INF/13/BOD/225/2016**

### **QUORUM:**

**CA. Nilesh S Vikamsey, Presiding Officer  
Shri R K Tewari, Government Nominee  
CA. (Dr.) Debashis Mitra, Member**

### **In the matter of:**

**CA. Gopal Bhatler (M.No. 411226)  
Room No. 31, 2<sup>nd</sup> Floor,  
47, Dr. M.B. Velkar Street,  
Kolbhat Lane, Kalbadevi  
Mumbai-400002**

..... Respondent

**DATE OF HEARING : 18.08.2017**

**PLACE OF HEARING : MUMBAI**

### **PARTIES PRESENT:**

**Respondent : CA. Gopal Bhatler**

### **Findings:**

1. The Board noted that the charge against the Respondent is that he has committed an act of impersonation, cheating, forgery of valuable documents, criminal conspiracy etc., therefore for the commission of these offences a FIR has been registered under Section 419,420,467,468,471,472,474,120B of IPC on 22<sup>nd</sup> October,

2012 against him. The Police was also in search of the Respondent but he was absconding.

2. The Board noted that the informant has provided documents such as copy of FIR, copies of newspaper cuttings etc. which bring to the surface the alleged acts of forgery and cheating by the Respondent.

3. The Board further noted that the Respondent had been appointed by Sh. Ajay R. Agarwal (brother of the Informant) to carry out the audit, income tax and ROC related work viz preparation and filing of various Forms like Form No. 32, Form 18, 23 AC and 23 ACA, DIN 3 and 20B etc vide appointment letter dated 26<sup>th</sup> May 2012 in respect of the 9 companies as below:

- i) Shrishma Investment and Finance Pvt, Ltd.
- ii) Ajay Energy Pvt. Ltd.
- iii) Chirmade Trading and Investments Pvt. Ltd.
- iv) Chirmade Steels Pvt. Ltd.
- v) Pranali Spun Pipe Industries Pvt. Ltd.
- vi) Quility Concrete Products Pvt. Ltd.
- Vii) Dowell Steels Pvt. Ltd.
- Viii) Dowell Agriculture Products Pvt. Ltd.
- ix) Ajanta Canes and Containers Pvt. Ltd.

4. As regards the charge of certifying Form 23AC for the F.Y. 2010-11 with respect to the aforesaid 9 companies, it is noted that CA. I.P.Mehta, of Chaturvedi & Chaturvedi were the auditors of the company whereas in the Form 23AC, in the column of the name of the auditor, CA. Sudhir M. Desai has been specified. The Respondent in his written statement as well as at the time of hearing before the Board has admitted this lapse on his part. The Board opined that when a professional certifies a particular Form,

he vouches for the particulars filled therein to be true and correct. Thus, this mistake on the part of the Respondent renders him guilty.

5. Further, as regards certification of Form 32 regarding removal of the Informant and his father from the directorship of the 9 companies namely (i) Ajay Energy Pvt. Ltd., (ii) Ajanta Canes and Containers Pvt. Ltd, (iii) Dowell Agriculture Products Pvt. Ltd, (iv) Pranali Spun Pipe Industries Pvt. Ltd, (v) Chirmade Trading and Investments Pvt. Ltd, (vi) Dowell Steels Pvt. Ltd, (vii) Chirmade Steels Pvt. Ltd, (viii) Shrishma Investment and Finance Pvt, Ltd, and (ix) Quility Concrete Products Pvt. Ltd., the Board noted that the ground of removal has been specified as non disclosure of interest as required under Sec 299 of the Companies Act 1956 leading to cessation of directorship as per the provisions of Sec 283(1)(i) of the said Act. However, apart from the copy of the resolution passed by the Board of Directors of the said companies, the Respondent did not verify any other document, contract, etc. to verify the interest held by the said directors of the company or the authority of the directors filing such Forms. Further, the Respondent has also admitted his negligence in this regard.

6. The Board noted that there was a dispute amongst the directors of the company and the instant matter had arisen out of the said dispute in which the role of the Respondent was related to filing e-forms with the ROC which had certain incorrectness on account of the same being filed on the basis of tempered and forged documents. Further, the Respondent had also been named as an accused in the FIR. The Board further noted that the Respondent during the course of hearing submitted that the informant was in the process of withdrawing the said FIR and also that there was no mistake of the Respondent as there was a family dispute. However, the Board was of the view that negligence was evident on the part of the Respondent which led to change in the directorship of the company which resulted in undue publicity in the news media bringing bad name to the profession. Further, the Respondent has himself admitted his mistake during the course of hearing. Accordingly, the Board decided to hold the Respondent Guilty of the charge.

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**CONCLUSION:**

7. In Conclusion, in the considered opinion of the Board, the Respondent is **Guilty** of "Other Misconduct" falling within the meaning of Clause (2) of Part IV of the First Schedule to the Chartered Accountants Act, 1949 read with Section 22 of the said act.

-Sd/-  
(NILESH S. VIKAMSEY)  
PRESIDING OFFICER

-Sd/-  
(R. K TEWARI)  
GOVERNMENT NOMINEE

-Sd/-  
(DEBASHIS MITRA)  
MEMBER

DATE: 17<sup>th</sup> JANUARY, 2018

PLACE: NEW DELHI

Certified True Copy

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



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(Set up by an Act of Parliament)

**ORDER UNDER SECTION 21 A(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 **CA. Gopal Bhatler (M. No.411226),**  
**Mumbai**

.....Respondent

**[PPR-7/W/13-DD/10/W/2013/BOD/225/2016]**

**CORAM:**

**CA. G. Sekar, Presiding Officer**  
**Shri R.K. Tewari (Government Nominee)**

1. That vide findings dated **17<sup>th</sup> January, 2018**, the Board of Discipline was of the opinion that **CA. Gopal Bhatler** is guilty of Professional Misconduct falling within the meaning of Clause (2) of Part IV of the First Schedule to the Chartered Accountants Act, 1949 read with Section 22 of the said Act.
2. That an action under Section 21A (3) of the Chartered Accountants Act, 1949 was contemplated against **CA. Gopal Bhatler** and communication dated 16<sup>th</sup> February, 2018 was addressed to him thereby granting him an opportunity to make written representation. Further, vide letter dated 03<sup>rd</sup> May, 2018 **CA. Gopal Bhatler** was granted an opportunity to represent himself in person & make his representation before Board on 22<sup>nd</sup> May, 2018.
3. That **CA. Gopal Bhatler** appeared before the Board and also made his oral submission.
4. This Board has carefully gone through the facts of the case.
5. As per the findings of the Board dated 17<sup>th</sup> January, 2018, **CA. Gopal Bhatler** was found guilty in certification of Form 23AC and Form 32 in respect of 9 Companies.
6. The Board noted that the Respondent during hearing stage had admitted his mistake in respect of filing e-forms with ROC which bears incorrectness on account of the same being filed on the basis of tempered & forged documents. ✓



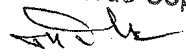
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7. The Board was of the view that negligence was evident on the part of the Respondent which led to change in the directorship of the company which resulted in undue publicity in the news media bringing bad name to the profession.
8. As per the findings of the Board, it has been conclusively proved that **CA. Gopal Bhatler** is Guilty of Professional Misconduct falling within the meaning of Clause (2) of Part IV of the First Schedule to the Chartered Accountants Act, 1949 read with Section 22 of said Act.
9. Upon consideration of the facts of the case, the consequent misconduct of **CA. Gopal Bhatler**, the Board was of the view that the ends of justice shall be met if the Respondent is awarded punishment of reprimand.
10. Accordingly, the Board decided to reprimand **CA. Gopal Bhatler**.

Sd/-  
(G. SEKAR)  
PRESIDING OFFICER

Sd/-  
(R K TEWARI)  
GOVERNMENT NOMINEE

DATE: 22<sup>nd</sup> MAY, 2018  
PLACE: MUMBAI

Certified True Copy  
  
Mukesh Kumar Mittal  
Assistant Secretary  
Disciplinary Directorate  
The Institute of Chartered Accountants of India  
ICAI Bhawan, I.P. Marg, New Delhi-110 002