

**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**

**Shri Mahesh H Shah, Mumbai**

**-Vs-**

**CA. Ramesh Bhalchandra Joshi (M. No. 016853), Mumbai**

**[PR-130/15-DD/131/2015/BOD/351/2017]**

**CORAM:**

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

**In the matter of:**

**Shri Mahesh H Shah**

6-A, Shiv Krupa

Old Nagardas Road

Andheri East

**Mumbai-400 069**

**.....Complainant**

**Versus**

**CA. Ramesh Bhalchandra Joshi (M. No. 016853)**

4, Shanti Sadan

45, TelliGalli

Andheri East

**Mumbai-400 069**

**.....Respondent**

**DATE OF HEARING: 12.01.2019**

**PLACE OF HEARING: MUMBAI**

**PARTIES PRESENT:**

**Respondent**

**:**

**CA. Ramesh Bhalchandra Joshi**

 **Counsel of Complainant**

**:**

**CA. Bhupendra R. Shah**

## **Findings:**

1. The Board noted that the as per the allegations the Respondent along with his son, Sh. Jay Joshi assured to give good fixed returns @ 2% per month on the invested amount to Complainant & others by investing money in a scheme known as Smart Options Services / Smart Option a Company who is into collective investment scheme.
2. The Board while considering PFO in its hearing held on 25<sup>th</sup> October, 2017, perused the statement dated 20<sup>th</sup> November, 2017 of the Respondent's son made before PSI, Andheri Police Station, Mumbai and noted that with a view to expand their business, the Company asked him to inform if more investors can be found and for that they wanted to use the Respondent's office. Further, he stated that the address of the office of the Respondent was used for the purpose of correspondence and was provided half percent upto one and one fourth percent, over the investment amount in the said company. He also accepted that he only acted as the middlemen to the investment made by the Complainant in the company M/s Smart Options Pvt. Ltd.
3. The Board noted that the Respondent in his submissions had submitted that if he and his son were aware of the fraudulent nature of Smart Options/ Smart options Pvt. Ltd., then he would never invested Rs. 38.00 Lacs with said company. The said money became bad and lost. He further submitted that the Complainant has used his discretion of making financial investment which was the subject matter between him and the said Smart Options/ Smart options Pvt. Ltd.
4. The Board also noted that the Respondent had made investment much before the investments made by the Complainants.
5. The Board also noted that the Respondent also submitted that he was not related to Company in any manner.
6. The Board also noted in the absence of any substantial evidence submitted by the Complainant that Respondent has done all this fraud, the allegation of cheating & fraud against the Respondent does not stand established.
7. Further, investing the amount and reclaiming it along with interest is a financial activity which is between Company and Complainant and other investors and any dispute arising in such cases of non-payment of interest/investment amount are matters of civil nature for which remedy has to be availed in the relevant Forums of Courts of Law.
8. Accordingly, the Board holds the Respondent Not Guilty of the charge.

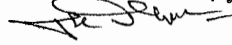
**CONCLUSION:**

9. Thus, the Board concluded that the Respondent is held **NOT GUILTY** of "Other Misconduct" falling within the meaning of Clause (2) of Part IV of First Schedule to the Chartered Accountants Act, 1949 read with Section 22 of the said Act. 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.

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

**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

