



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

[PR/65/2020/DD/152/2020/BOD/610/2022]

ORDER UNDER SECTION 21A (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:

Shri Narendra Kumar Surana and Shri Manohar Lal Surana
B/16, Bhairav Society, Pachpedinaka, Raipur
Chhattisgarh- 492001.

... Complainant(s)

-vs-

CA. Vikram Talreja (M. No. 423000)
C/124, Sector-5, Tagore Nagar,
Raipur,
Chhattisgarh – 492001.

... Respondent

[PR/65/2020/DD/152/2020/BOD/610/2022]

MEMBERS PRESENT (in person):

CA. Rajendra Kumar P, Presiding Officer
Ms. Dolly Chakrabarty (IAAS, ret.d.), Government Nominee
CA. Priti Savla, Member

Date of Hearing and passing Order: 11th January 2024

1. The Board of Discipline vide its Findings dated 4th January 2024 was of the view that **CA. Vikram Talreja (M. No. 423000)** is **GUILTY** of Other Misconduct falling within the meaning of Item (2) of Part IV of the First Schedule to the Chartered Accountants Act, 1949 read with section 22 of the said Act.

2. An action under Section 21A (3) of the Chartered Accountants Act, 1949 was contemplated against **CA. Vikram Talreja** and communication dated 5th January 2024 was addressed to him thereby granting him an opportunity of being heard on 11th January 2024. The Respondent vide email dated 10th January 2024 informed that he alongwith his authorized representative CA. Ankit Maheshwari will participate in the virtual hearing. The Board held that since there is no specific stipulation as regard representation through an authorized representative in Rule 15 of The Chartered Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007 and no fresh grounds can be adduced at this stage, representation through authorized representative is not permitted. Accordingly, only the Respondent appeared before the Board through video conferencing. He confirmed receipt of the Findings of the Board. In his representation, he stated that it was a family matter of the Complainant(s) and he has been purposefully dragged into it. He became a Chartered Accountant in 2013 and the period of misconduct pertained to the year 2015.

3. Thus, upon consideration of the facts of the case, the consequent misconduct of **CA. Vikram Talreja (M. No. 423000)** and keeping in view his representation before it, the Board decided to Reprimand **CA. Vikram Talreja (M. No. 423000)** and also imposed a Fine of Rs.50,000/- (Rs. Fifty Thousand only) upon him.


Sd/-

CA. Rajendra Kumar P
(Presiding Officer)

Sd/-

Ms. Dolly Chakrabarty (IAAS, ret.d.)
(Government Nominee)

सही प्रतिलिपि होने के लिए प्रमाणित
Certified to be true copy


शिव नाथ तिवारी / Bishwa Nath Tiwari
कार्यकारी अधिकारी / Executive Officer
अनुशासनात्मक निर्देशालय / Disciplinary Directorate
इन्स्टीट्यूट ऑफ चार्टर्ड एकाउंटेंट्स ऑफ इंडिया
The Institute of Chartered Accountants of India
आईसीएआई भवन, विश्व नगर, शाहदरा, दिल्ली-110032
ICAI Bhuban, Vishwas Nagar, Shahdara, Delhi-110032

Sd/-

CA. Priti Savla
(Member)

CONFIDENTIAL

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: [PR/65/2020/-DD/152/2020/BOD/610/2022]

CORAM (present in person):

**CA. Rajendra Kumar P, Presiding Officer
Ms. Dolly Chakrabarty (IAAS, retd.), Government Nominee**

In the matter of:

**SHRI NARENDRA KUMAR SURANA
SHRI MANOHAR LAL SURANA
B/16, BHAIKAV SOCIETY
PACHPEDINAKA, RAIPUR
CHHATTISGARH – 492001.**

**.....Complainant no. 1
.....Complainant no.2**

Versus

**CA. VIKRAM TALREJA (M. No. 423000)
C/124, SECTOR 5, TAGORE NAGAR,
RAIPUR,
CHHATTISGARH – 492001.**

.....Respondent

DATE OF FINAL HEARING : 30th November 2023

PARTIES PRESENT:

**Complainant no. 1 (in Person) : Sh. Narendra Kumar Surana
Complainant's Counsel (in Person) : S. Ranbir Singh Marhas and Sh. Pranav Saxena, Advocate
Respondent (in Person) : CA. Vikram Talreja
Counsel for Respondent (in Person) : CA. Ankit Maheswarl
Witness No.1 : Mr. Chhote Lal Sahu
Witness No.2 : Mr. Nilesh Verma
Witness No.3 (through VC) : CA. Mukesh Kumar Yadu
Witness No.4 (through VC) : Mr. Abhishek Surana**

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FINDINGS:

BRIEF BACKGROUND OF THE CASE:

- 1.1 As per the Complainants, in the year 2008, a compensation of Rs. 73,37,000/- was awarded to both the Complainants by NHAI in lieu of the land acquired by NHAI which was owned by both the Complainants (although such land is also found disputed for its ownership among the brothers of the family). However, the Complainants had no knowledge about the acquisition of their land nor about compensation awarded in lieu of such acquisition by NHAI. Complainants came to know about the same while filling their respective ITRs for the FY 2015-16 during March 2017 as an amount of Rs. 3,66,850/- was reflected in their 26AS each as TDS deducted thereon. The Complainants on their enquiry found that the amount of compensation was given by NHAI through two cheques of Rs.30,01,650/- each in the name of complainants separately after deducting TDS on the total compensation. The cheques however have been alleged as obtained illegally from NHAI with the connivance of NHAI officials by other group of the Complainants family and this group of family has been considered as clients and friends of the Respondent.
- 1.2 Further, those two cheques obtained illegally, then deposited in two fake/false accounts viz. one cheque issued in favour of Mr. Manohar Surana (**hereinafter referred to as "Complainant no.2"**) was deposited in an account opened in Central Bank of India, Raipur and the other cheque in favour of Mr. Narendra Surana (**hereinafter referred to as "Complainant no.1"**) was deposited in an account opened in 'Laxmi Vilas Bank, Chennai. However, it is noticed that the Complainants have alleged against the Respondent only in respect of the amount transferred in the account of Complainant no.2 in Central Bank of India and further, out of total amount of Rs.30,01,650/- credited in that account on 17th August, 2015, the Complainants have substantiated their allegation of siphoning of the amount against the Respondent in respect of Cheque no.4015 of Rs.7,03,000/- only.

CHARGE ALLEGED:

- 2.1 It is alleged that the Respondent by aiding and abetting his clients (other group of the family/Complainant's relative) had got one fake bank account opened in the name of Complainant no.2 in Central Bank of India, Timri Branch with photos of Sh. Naresh Kunjam (Domestic help of Mr. Prasan Kumar Surana, the other group of the Complainant's family) along with false, forged and fabricated documents by using Respondent's influence in the bank as he had conducted the audit of such branch for the year 2013.
- 2.2 The Respondent also overlooked the siphoning off that money systematically which was deposited in that fake/false account and one transfer of Rs.7,03,000/- was effected from that fake/false account on 29th August, 2015 to one person named CA. Mukesh Kumar

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Yadu and which was then further transferred to Respondent's account on 31st August, 2015 via RTGS.

BRIEF OF PROCEEDINGS HELD:

3.

S.no.	Date of Hearing(s)	Status of Hearing(s)
1.	04 th May, 2023	<p>Part- heard and adjourned with the direction to send a letter to the Managing Director of the Central Bank of India, Mumbai with a request to send an official with all the original documents related to the opening and operation of the bank account in the name of Mr. Manohar Surana and to summon the following as a witness at the next date of hearing:</p> <ul style="list-style-type: none">a. Mr. Venkatesh Velluri, the Bank Manager of the concerned branch of Central Bank of India at the relevant timeb. Mr. Abhishek Suranac. Mr. Naresh Kunjam, domestic help of Mr. Prasan Kumar Suranad. Mr. Nilesh Kumar Verma, the Probationary Officer of the Central Bank of India who opened the bank A/c at the relevant time.e. CA. Mukesh Kumar Yaduf. Mr. Chote Lal Sahu who was the SWO of the concerned branch of Central Bank of India at the relevant time. <p>Also, the Complainant was asked to provide certified true copy of the bank account, details of the deposit in the alleged account, copy of cheques issued from the alleged bank account and copy of the Bank Account Opening Form.</p>
2.	27 th July, 2023	Adjourned at the request of the Complainant.
3.	23 rd August, 2023	Adjourned at the request of the Complainant.
4.	5 th October, 2023	<p>Part-Heard and adjourned with the direction to the Complainants to bring on record a certified true copy of the bank account, details of the deposit in the alleged account and copy of cheques issued from the alleged bank account with respect to the period of misconduct (with a copy to the Respondent) and to summon the following witnesses at the next date of hearing:</p> <ul style="list-style-type: none">a. Mr. Venkatesh Velluri, the Bank Manager of

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		<p>the concerned branch of Central Bank of India at the relevant time</p> <ul style="list-style-type: none">b. Mr. Abhishek Suranac. Mr. Naresh Kunjam, domestic help of Mr. Prasan Kumar Suranad. Mr. Nilesh Kumar Verma, the Probationary Officer of the Central Bank of India who opened the bank A/c at the relevant time.e. CA. Mukesh Kumar Yaduf. Mr. Chote Lal Sahu who was the SWO of the concerned branch of Central Bank of India at the relevant time.g. Ms. Dimple Sahu, past employee of the Respondent. <p>The Board also directed to send a letter to the Managing Director of the Central Bank of India, Mumbai with a request to send an official with all the original documents related to the opening and operation of the bank account in the name of Mr. Manohar Surana.</p>
5.	30 th November, 2023	Heard and concluded.

BRIEF SUBMISSIONS OF THE PARTIES TO THE CASE:

A. RESPONDENT:

4. The Respondent in his defence, inter-alia, stated as under:

4.1 The Respondent's main focus while submitting his Written Statement before the Director (Discipline) was to bring on record the facts related to the Investigation carried out by the police wherein they arrived at a finding that Complainant no.2 himself had opened the account with the help of his employee and all the transactions were done by themselves including the amount transferred in the bank account of the Respondent. Shri Abhishek Surana on behalf of the Complainants somewhere in August 2015, asked the Respondent to provide his bank account details so that certain amount for payment of some tax challan could be credited in the account of the Respondent which was provided to him. He thereafter called up to inform that his uncle was unable to transfer the amount into Respondent's account due to certain technical lag and wanted account details of another person wherein the money could be transferred.

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- 4.2 At that time, the Respondent was in the office of M/s R Kumar Agrawal & Co., where CA. Mukesh Kumar Yadu was doing his articleship and since the Respondent was partner in the said firm in 2013 and 2014, he was quite acquainted with CA. Mukesh Kumar Yadu and thus sought his help. On being asked, CA. Mukesh Kumar Yadu provided his account details and the amount of Rs 7,03,000/- was credited to CA. Mukesh Kumar Yadu's account on 29th August 2015 which was thereafter transferred to the account of the Respondent on 31st August 2015 through RTGS for the payment of tax challan as 30th August 2015 was a Sunday. Thereafter, Shri Abhishek Surana again called up and told that his uncle is in need to money to meet some emergent situation that had arisen and so he requested to return the same. The Respondent sought the details of the bank account where the money could be returned but Abhishek stated that the money be returned by withdrawing from the account as his Uncle, i.e., Complainant no.2, had to make some payments in cash urgently. Since, Abhishek being friend of the Respondent had taken a petty amount of Rs 33,000/- from the Respondent so Abhishek told to return the balance amount after deducting the amount taken.
- 4.3 Accordingly, the Respondent withdrew Rs 6,70,000/- from his bank account and paid the same to the Complainants through Abhishek only. The Respondent wish to submit that it was a simple incident that had happened, and the Complainants have tagged it as forgery and siphoning off of money to cause harm to the Respondent out of personal vendetta. It may be noted that Shri Abhishek Surana in his Affidavit dated 11th October 2022 has categorically accepted at point no. 6 and 7 that the Respondent withdrew Rs 6,70,000/- from his bank account and paid the same to Complainant no.2 through him after withholding Rs. 33000/- which Abhishek owed to the Respondent and also that an amount of Rs 7,03,000/- was accordingly given to Complainant no.2 by Abhishek after adding up the balance amount. Thus, it is humbly submitted that the Respondent has not siphoned off any amount as alleged and has returned the whole amount so received to the Complainants through Abhishek and the allegations have been raised with malicious intent to settle the land dispute prevalent in Surana family at the reputational cost of the Respondent only because of the fact that the Respondent has cordial relations with Shri Abhishek Surana and his family.
- 4.4 The Complainant has brought on record audio recording of telephonic conversation purported to have taken place between CA. Mukesh Kumar Yadu and one Mr. Anirvan Sen, acquaintance to both the Complainants and the Respondent in an attempt to collect evidence in an illegal manner to wrongly involve the Respondent. The Respondent strongly object to the authenticity and genuineness of the source and submits that the transcript so brought on record is nothing more than a doctored, fabricated and fake document provided as a futile attempt to cause harm to the Respondent to suit the ill-

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designs of the complainants and satisfy their false egos. It is further brought on record that CA. Mukesh Kumar Yadu vide an Affidavit dated 11th October 2022 has stated that he although spoke to Shri Anirvan Sen but challenged the content of the conversation so transcribed by stating it to be manipulated statements to malign the image of the Respondent. It is pertinent to note that the right to privacy of an individual is a paramount concept that cannot be ignored in the view of electronic evidence. Article 21 in the Constitution of India, 1949 is the fundamental legal provision governing privacy. It further guarantees personal liberty as an inalienable birth right.

- 4.5 The Respondent maintains that his involvement was solely limited to communication provided to Mr. Nilesh Verma (probationary officer) at the Temri branch of Central Bank of India. He had no physical presence at the time of opening of the bank account in the branch premises. At the time of account initiation, the Respondent was not acting in his capacity as the branch's auditor as he was the Statutory Branch Auditor in FY 2013-14 and the account was opened in August 2015. The Respondent denies exerting any influence for the purpose of account opening, thereby extending assistance to his friend, Mr. Abhishek Surana, on his request. Due to a pre-existing relationship Mr. Abhishek Surana, and being considered a vulnerable target, the Respondent unintentionally found himself embroiled in a family dispute. This ongoing family feud has garnered media attention on multiple platforms.
- 4.6 Mr. Abhishek Surana, deliberately insisted on having the amount transferred into the Respondent's account for the purpose of tax payments on behalf of Complainants. However, owing to a technical glitch in the Respondent's bank account, an initial transfer of INR 7,03,000 was inadvertently directed to the account of CA Mukesh Kumar Yadu, who was undergoing articleship at the same firm where the Respondent held a partnership. Subsequently, the amount of INR 7,02,900 was duly transferred to the Respondent's designated bank account. Upon the receipt of funds in the Respondent's bank account, the Complainant urgently requested a cash withdrawal, citing an immediate necessity. As a result, the Respondent, upon the explicit instruction of Mr. Abhishek Surana, facilitated the withdrawal of an amount totaling INR 6,70,000, subsequently delivering it to Mr. Abhishek Surana. The remaining balance of INR 33,000 was retained by the Respondent to settle outstanding dues owed by Mr. Abhishek Surana. To substantiate this arrangement, a duly executed Affidavit has been obtained, affirming and confirming the aforementioned circumstances.
- 4.7 The Complainant's intent is driven by greed to receive compensation from NHAI and is unjustly questioning the integrity and functioning of esteemed bodies such as NHAI and the Police, whose investigation reports fall under the purview of the Government of

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India. The mere act of challenging the police investigation report in the High Court does not establish Respondent's guilt for any offense. The ICAI, being a quasi-judicial body, should exercise restraint and await the final verdict before declaring the Respondent guilty under any clause of the Chartered Accountants Act. The Police Charge Sheet dated 24.08.2023 concludes with a judgment against the Complainants, attributing their involvement in the preparation of a forged settlement letter and the imitation of signatures of other family members to acquire ancestral property unlawfully, whose compensation has been awarded by NHAI. Further, a petition was also filed by the Complainants with the Judicial Magistrate First Class, which after due investigation was dismissed. Earlier, the Complainants in his complaint letter had also mentioned about the Writ Petition filed with High Court of Chhattisgarh for which he has come across that the High Court did not find any ground to entertain the petition and dismissed the writ petition filed by the Complainants.

B. COMPLAINANT:

5. The Complainant made the following submissions to substantiate his case:
 - 5.1 Consequent to the Complaint dated 06.06.2020 made to the Director General of Police (DGP), Chhattisgarh by the Complainants, the DGP directed to start a fresh and independent investigation in the matter and accordingly on 30.06.2020 the Police filed another Closure Report dated 30.06.2020. It becomes pertinent to mention here that the Respondent, from the very start of the instant proceedings have relied heavily upon an earlier Agent for the 'Closure Report' as referred to by the Respondent in their Written Statement. The Closure Report dated 30.06.2020 conclusively establishes that the Respondent was directly involved in the opening of the fake bank account and also systematically siphoned off and misappropriated the amount of compensation received from the NHAI in favour of the Complainant no.2, from the said fake account.
 - 5.2 Thereafter, the Writ Petition (Criminal) No.299 of 2020 filed before the Hon'ble High Court of Chhattisgarh, briefed about the factual position of the instant matter and being convinced that the instant matter warranted the intervention of the Hon'ble Court, the Hon'ble High Court was pleased to call for Case Diary and also directed that the Station House Officer (SHO) or the Police In-Charge, P.S.: Tikrapara be present on the next date of hearing vide its order dated 30.09.2021. The intervention of the Hon'ble High Court forced the police to conduct a free and fair investigation and accordingly on 6th of Nov 2021 an FIR was registered against the Respondent. On 09.11.2021, the Hon'ble High Court again reprimanded the police authorities and further directed that an Affidavit explaining complete proceedings initiated by the SHO, P.S.: Mana Camp, Raipur be filed

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by the State. Subsequent to the FIR dated 06.11.2021 and the Order dated 09.11.2021 of the Hon'ble High Court, the police started further investigation into the matter and as per the mandate of Section 172, Criminal Procedure Code, 1973, Case Dairy of Proceedings in the Investigation was prepared and the same was submitted before the Hon'ble High Court by the Officer in Charge.

- 5.3 The compensation was awarded by NHA but the same was illegally obtained and systematically siphoned off/misappropriated by the Respondent and Shreyansh Surana with the help of other accused persons. The whole land dispute between the brothers of the Surana family was concocted in retaliation to the complaints made by the Complainants before various authorities. That, the Respondent has basically filled up all the gaps and inconsistencies as pointed out by the Director (Discipline) in his Prima Facie Opinion, by involving his childhood friend by his own admission Abhishek Surana who also happens to be the real brother of Shreyansh Surana, against whom the FIR has been registered by the Police along with the Respondent and 2 others. Abhishek Surana is also an accused in the matter & an accomplice to the crimes committed by the Respondent and therefore his affidavit would tantamount to nothing in the eyes of the law. Furthermore, given the situation of Abhishek Surana and his relation with the Respondent and the other accused persons, he is bound to and has already committed perjury by giving a false affidavit under oath.
- 5.4 The contents of the first half of this paragraph are specifically denied in as much as they are outdated facts whereby the Respondent has deliberately concealed the latest Closure Report dated 30.06.2020 as well as the FIR dated 06.11.2021 which has been registered against him & 3 Others by the P.S. Mana Camp. In the own words of the Respondent himself, merely due to the reason that one of the involved parties are in disagreement with the Findings arrived at, by the Police Authorities does not make the Closure Report unacceptable and furthermore the Respondent has not even challenged the latest Closure Report dated 30.06.2020 as well as the FIR dated 06.11.2021 which has been registered against him & 3 Others the P.S. Mana Camp, before any Court of law.
- 5.5 The Respondent and CA. Mukesh Kumar Yadu have accepted that an actual conversation took place between CA. Mukesh Kumar Yadu and Anirvan Sen. CA. Mukesh Kumar Yadu has always maintained in his statements before the police and before the Director (Discipline) that he has no knowledge who the Complainant no.2 is and still this fact did not restrain him from making baseless allegations against him, in his Affidavit.

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OBSERVATIONS OF THE BOARD:

- 6.1 At the outset, the Board noted that it is an admitted fact that an amount of Rs.73,37,000/- was awarded as compensation to the Complainants by NHAI with regard to acquisition of land. Compensation was awarded in 2008 but the payment was made in 2015 through cheques and the said cheques were received by two of the accused family members. To withdraw these cheques a false account was allegedly opened in Central Bank of India in the name of Complainant no.2 but photograph was taken of Mr. Naresh Kunjam (Domestic help of Mr. Prasan Kumar Surana, the other group of the Complainant's family) along with false, forged and fabricated documents by using Respondent's influence in the bank as he had conducted the audit of such branch for the year 2013.
- 6.2 The Board noted that it is an admitted fact that the Respondent conducted the audit of the Central Bank of India, Temri Branch in 2013 where the alleged fake bank account in the name of Complainant no.2 was opened. Further, it is also a matter of fact that the account was opened in the name of the Complainant no.2 but with the photo of Mr. Naresh Kunjam and the signature on the Bank Account Opening Form too was done by Mr. Naresh Kunjam only, in the name and style of the Complainant no.2.
- 6.3 The Board noted that Mr. Naresh Kunjam (Domestic Help of Mr. Prasan Kumar Surana) in his Statement dated 30th October 2018 before the Police, inter-alia, stated as under:-

"In the year 2015, Complainant no.2 told me, that an account was to be opened in my name at Central Bank, Temri Branch for certain transactions related to the business and then, both the Complainants took me to the Bank and completed all formalities by their own by taking my 2 photographs and also instructed me to affix the signatures in the name of Shri Manohar Lal Surana and also got signed 10-12 cheques from me and paid Rs.2000/- for the same."

Considering the relevance of the deposition of Mr. Naresh Kunjam, Summon was issued to him to appear as a witness before the Board on several occasions. However, he chose not to appear as a witness before the Board and instead sent an Affidavit dated 17th August 2013 in which also he maintained the same stand.

- 6.4 The Board also noted that Mr. Abhishek Surana vide a notarised Affidavit dated 11th October, 2022 deposed as under:

"2. That somewhere in 2015, my uncle, Shri Manohar Lal Surana, wanted to open a bank account in Temri Branch of Central Bank of India and asked me to contact CA Vikram Talreja so that he can inform Officials of the said Branch to assist Shri Manohar Lal Surana as CA Vikram Talreja had conducted the audit of the said branch in earlier years."

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3. That CA Vikram Talreja visited the Branch on my request to help my Uncles, Shri Manohar Lal Surana and Shri Narendra Surana.

4. That Shri Manohar Lal Surana had himself opened the account by visiting the branch.

5. That after sometime, on account of payment of certain taxes, Shri Manohar Lal Surana wanted to remit certain lumpsum amount to CA. Vikram Talreja so that CA. Vikram Talreja being a CA can assist him on my request but I was told by my uncle that the amount could not be transferred to the account of CA. Vikram Talreja and thus an amount of Rs 7,03,000/- was credited to the account of one Mukesh Kumar Yadu, a person known to CA. Vikram Talreja.

6. That Mukesh Kumar Yadu remitted the amount to CA. Vikram Talreja so that payment of tax challans can be done. However, Shri Manohar Lal Surana demanded the money, back from CA Vikram Talreja as he had to make some immediate payments urgently."

The Board also noted that Mr. Abhishek Surana, as a witness, deposed the same facts before it.

6.5 The Board also noted that Mr. Nilesh Verma (Main Cashier of the concerned branch of the Bank at the relevant time) in his Statement before the Police, inter-alia, stated as under:-

"That in 2015 CA. Vikram Talreja came to our branch of Central Bank of India and informed us about a new account which has to be opened. He was accompanied by a Person. CA. Vikram Talreja conducted the Audit of our Bank in the year 2013 and therefore he was well known within our branch. Person accompanying filled the form in the bank and presented it to me and was checked by me. Account was opened in the name of Manohar Lal Surana S/o Sohan Lal Surana. Photos attached in the form and in the documents were cross matched with the accompanying person and then a new account was opened in the name of Manohar Lal Surana. Which was opened on 05.08.2015. Account was opened in our branch only after verifying the documents."

The Board also noted that Mr. Nilesh Verma, as a witness, deposed the same facts before it.

6.6 The Board also noted that Mr. Chote Lal Sahu (S.W.O) in his statement before the Police, inter-alia, stated as under (translated from hindi):-

"Since, July 2012, I am working on the post of S.W.O. In the year 2013, CA. Vikram Talreja had audited our bank due to which we are acquainted with CA. Vikram Talreja. In the year 2015, he had brought one person with him and he told that he

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has to open a new account. Therefore, after completing the form and affixing the documents the said form was checked by our cashier Nilesh Verma and the account was opened in the name of Manohar Surana. Because, the information about opening of new account is also available in my branch. A new account of the person brought by Vikam Talreja has been opened."

6.7 The Board on perusal of the Bank Account Opening Form dated 05th August 2015 brought on record by the Complainants observed that there was no signature of any bank official while the account number was written on such Form at the place designated for the bank official to fill. During the course of hearing, on being asked by the Board about the same, Mr. Nilesh Verma, Witness, deposed that there were number of accounts opened in the Bank, so the Bank Manager used to sign them all together and may be, he couldn't sign on this one and the said Form is still unsigned. He further, deposed before the Board that the Respondent came inside the Branch with one person and is unaware whether anyone was outside. The Board further noted that Mr. Chote Lal Sahu, another witness, deposed before the Board that he was unable to recognize the Respondent as 8-9 years have passed since the Incident took place.

6.8 The Board also noted that one Dimple Sahu(past employee of the Respondent) (S.W.O) in her statement before the Police, stated as under(translated from hindi):-

"In the year 2015, due to poor financial condition of the family, i started working in the office of CA. Vikram Talreja with a salary of Rs. 2500/- monthly. During this time, my Aadhaar, PAN card, Voter ID were deposited in CA. Vikram Talreja's office as security. On 21.08.2015, I was taken to the Co-operation Bank by CA. Vikram Talreja and the account was opened. My signature is affixed on all the documents required to open a bank account, The above account was used by CA. Vikram Talreja. I have never deposited or withdrawn any money from my said account. CA.Vikram Talreja has deposited two checks of Rs 702500/- and Rs.45000/- in the name of Manohar in my said account, which I don't have information about. And after getting Rs 45000/ withdrawn under my signature, Vikram Talreja has taken the said amount. Rs.702500/- through self check was withdrawn by CA. Vikram Talreja in my said account without my knowledge. The transaction has been done without my knowledge and information. I do not have pass book and check book. My passbook and check book is kept by CA. Vikram Talreja."

Considering the relevance of the deposition of Ms. Dimple Sahu, Summon was issued to her to appear as a witness before the Board. However, she chose not to appear as a witness before the Board.

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6.9 The Board further noted that although the total amount which was credited on 17th August, 2015 in the alleged fake account in the name of Complainant no.2 opened in Central Bank of India was Rs.33,01,650/-, however, the Complainants brought on record the details/substantiated only about one transfer from that account via Cheque no. 4015 of Rs.7,03,000/- in favour of CA. Mukesh Kumar Yadu and thereafter the amount was transferred from that account of CA. Mukesh Kumar Yadu to the Respondent's bank account.

6.10 The Board further noted that CA. Mukesh Kumar Yadu(CA. Mukesh Kumar Yadu had done his article-ship from the firm M/s R Kumar Agrawal & Co. from 2013 to 2015 wherein the Respondent had been the partner from 2013 to 2014) in his statement given to the police admitted the fact regarding the deposit of such cheque of Rs.7,03,000/- in his bank account at the request of the Respondent. The said fact was also corroborated by him in his Statement as a witness before the Board.

He also during the course of hearing before the Board as a witness deposed as follows:-

"Sir, Vikram had told me that money related to their tax is supposed to come, but due to some technical error, it hasn't been credited to his account. If and when the money arrives, it is to be transferred to his account."

On being questioned in the said context by the Board, the Respondent during the course of hearing responded as under:-

"At that time, Abhishek Surana called me, saying that he needed to pay some tax and asked for my account details. I sent him my account details, and after that, Abhishek Surana communicated with me saying that the tax amount couldn't be transferred to my account, requesting other account details. I mentioned this in my statement as well. After that, I asked Mukesh, I needed some other account details, then he said he would send his account details, and whenever he received the money thereafter, I withdrew the money into my own account. Abhishek will confirm all this."

Subsequently, on being questioned in the said context by the Board, Mr. Abhishek Surana, the witness, admitted the above fact and stated as under:-

"Manohar Lal Surana had to pay the tax, so I took bank details from Vikram and forwarded them to Manohar Lal Surana. Then, he told me that the amount couldn't be transferred to that account. So, I took other bank details from Vikram and provided them to Manohar Lal Surana, after which the amount was transferred to the other account."

Bis

On being further asked by the Board, CA. Mukesh Kumar Yadu deposed that since he was taking professional guidance from the Respondent in the year 2015, he in good faith allowed the Respondent to use his bank account and accordingly the Respondent deposited the said cheque no.4015 of Rs.7,03,000/- in his bank account on 29th August, 2015 and then the amount was transferred to Respondent's bank account via RTGS on 31st August, 2015.

6.11 Thus, on a detailed perusal of the submissions and documents on record together with the deposition of the witnesses who have also been cross examined by the Respondent as well as the Complainant, the Board is of the opinion that there is a contradiction in the Statement of the witnesses regarding Respondent's influence in the opening of the fake bank account in the name of the Complainant(s). The Board did not delve into the modus operandi of opening of a fake bank account which is a matter of civil dispute to be resolved at the appropriate Forum. The Board finds that the Respondent received an amount in his bank account from a person who was not his client, and which was transferred to his bank account at his instance only for reasons which do not pertain to his professional engagements. Thus, the Board held that routing of money transaction without any reason whatsoever cannot be allowed and as far as the Respondent who is a Chartered Accountant should have restrained from engaging in this type of transaction which raises a doubt regarding his conduct. Accordingly, the Board held the Respondent Guilty.

CONCLUSION:

7. Thus, in conclusion, in the considered opinion of the Board, the Respondent is **GUILTY** of Other Misconduct falling within the meaning of Item (2) of Part IV of the First Schedule to the Chartered Accountants Act, 1949 read with Section 22 of the said Act.

Sd/-

CA. Rajendra Kumar P
(Presiding Officer)

Sd/-

Ms. Dolly Chakrabarty (IAAS, ret'd.)
(Government Nominee)

DATE: 04-01-2024

सही प्रतिलिपि होने के लिए प्रमाणित
Certified to be true copy

बिना नाथ तिवारी / Binawa Nath Tiwari
कार्यकारी अधिकारी / Executive Officer
अनुशासनशासक निदेशालय / Disciplinary Directorate
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