



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

[PR-437/2019/DD-26/2020/BOD/605/2022]

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:

**CA. T.R. Mohandas (M.No.021554)**

Chartered Accountants

25/835/8 Second Floor, Us Pharma

Thrissur (Kerala) – 680001.

.....Complainant

-Vs-

**CA. Abdul Azeez T K (M.No. 228284)**

M/s T.K.M. & Associates

Chartered Accountants

Second Floor 32/486-I Pallipuram Castle Opp Virad Hotel

Thrissur Road Changuvetty Kottakkal

Kottakkal (Kerala) – 676503.

.....Respondent

[PR-437/2019/DD-26/2020/BOD/605/2022]

MEMBERS PRESENT:

**CA. Rajendra Kumar P, Presiding Officer (in person)**

**Ms. Dolly Chakrabarty (IAAS, retd.), Government Nominee (through video conferencing)**

**CA. Priti Savla, Member (through video conferencing)**

**Date of Hearing: 26<sup>th</sup> October 2023**

**Date of pronouncement of Order: 23<sup>rd</sup> January 2024**

1. The Board of Discipline vide its Findings dated 5<sup>th</sup> October 2023 was of the view **CA. Abdul Azeez T K (M.No. 228284)** is **GUILTY** of Professional Misconduct falling within the meaning of Item (8) of Part I of the First Schedule to the Chartered Accountants Act, 1949.
2. An action under Section 21A (3) of the Chartered Accountants Act, 1949 was contemplated against **CA. Abdul Azeez T K (M.No. 228284)** and communication dated 10<sup>th</sup> October 2023 was addressed to him thereby granting him an opportunity of being heard on 26<sup>th</sup> October 2023 which was exercised by him by being present in person before the Board. He confirmed the receipt of the Findings of the Board and made representation before the Board.
3. Since the decision on the quantum of punishment to be awarded to **CA. Abdul Azeez T K (M.No. 228284)** was reserved by the Board, he vide communication dated 16<sup>th</sup> January 2024 was asked to be present before the Board on 23<sup>rd</sup> January 2024 for the purpose of pronouncement of Order. He was present before the Board through video conferencing on the said date for the said purpose.
4. Thus, upon consideration of the facts of the case, the consequent misconduct **CA. Abdul Azeez T K (M.No. 228284)** and keeping in view his representation before it, the Board decided to impose a Fine of Rs.25,000/- (Rs. Twenty Five Thousand only) upon him.

Sd/-

**CA. Rajendra Kumar P  
(Presiding Officer)**

राही प्रतिनिधि होने के लिए साह/सा/सा/  
Certified to be true copy

*Nisha Sharma*

निशा शर्मा / Nisha Sharma

वरिष्ठ कार्यकारी अधिकारी / Sr. Executive Officer

अनुशासनसूचक निदेशात्मक / Disciplinary Directorate

इंस्टीट्यूट ऑफ चार्टर्ड अकाउंटेंट्स ऑफ इंडिया

The Institute of Chartered Accountants of India

CAI (M.No. 228284) नगर, चारुदय, दिल्ली-110032

CAI Bhawan, Vasthas Nagar, Shikha, Delhi-110032

Sd/-

**Ms. Dolly Chakrabarty (IAAS, retd.)  
(Government Nominee)**

CA. T.R. Mohandas (M.No.021554) -Vs- CA Abdul Azeez T K (M.No. 228284)

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-437/2019/DD-26/2020/BOD/605/2022]**

**CORAM (present in person):**

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

**In the matter of:**

**CA. T. R. Mohandas (M.no.021554)**

M/s TRMD & Associates  
Chartered Accountants  
Door No.XXVII/533, First Floor,  
Ashraf Building, Town Hall Road  
Malappuram, Tirur – 676101.

.....Complainant

**Versus**

**CA. Abdul Azeez T.K. (M.No.228284)**

M/s TKM & Associates  
Chartered Accountants  
II Floor, Pallipuram Towers,  
Opp. Virad Hotel  
Thrissur Road, Changuvetty  
Kottakkal - 676503.

.....Respondent

**DATE OF FINAL HEARING : 20<sup>th</sup> April, 2023**  
**PLACE OF FINAL HEARING : Chennai**

**PARTIES PRESENT (in person):**

**Respondent : CA Abdul Azeez T.K.**

**FINDINGS:**

**CHARGE ALLEGED:**

1. The Complainant alleged that the Respondent accepted the Tax Audit of below mentioned 10 clients for the Financial Year 2018-19 without intimating the previous

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auditor of such clients i.e. the Complainant who had been carrying out these Tax Audits for past 15-20 years including the previous year 2017-18:

S. No.	Name of the Client
1.	M/s Pace Agencies
2.	M/s Alfa Paper Products
3.	M/s New Malabar Enterprises
4.	M/s Southern Steels
5.	M/s Sangam Traders
6.	M/s Janatha Paper Products
7.	M/s Sangam Traders
8.	M/s Rainbow Paper Products
9.	Mr. Kavumpurath Abdu Nazar (Prop. :-Three Star Paper Products)
10.	Mr. Eranikkal Faizal Babu (Prop. :- Faizal Jewellery)

**BRIEF OF PROCEEDINGS HELD:**

2. At the time of hearing held in the case on 20<sup>th</sup> April 2023, the Respondent was present in person before the Board. However, the Complainant/his authorized representative was neither present before the Board nor was there any intimation as regards his non-appearance. Since the notice for the hearing was duly served upon the Complainant, the Board decided to proceed ahead with the hearing in the case. Thereafter, the Respondent was put on Oath. On being asked by the Board as to whether the Respondent pleaded guilty in respect of the charge alleged against him, he replied in affirmative and made his submissions before the Board. Thus, on consideration of the documents and submissions on record, the Board concluded the proceedings in the case.

**BRIEF SUBMISSIONS OF THE RESPONDENT:**

3. The Respondent in his defence, inter-alia, submitted as under:
  - 3.1 The Respondent admitted his mistake at the Prima Facie stage itself and he has no defence in this case. Hence, the Board of Discipline shall proceed with the punishment decision.

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- 3.2 He fully agreed with the Prima Facie Opinion of the Director (Discipline) and the decision of the Board of Discipline.
- 3.3 He requested the Board for leniency in disciplinary action.
- 3.4 He also deeply regretted for the lapse in following the procedures of the Institute and requested the Institute to accept his unconditional apology.
- 3.5 The lapses which happened were purely circumstantial and were not intentional. He never had an ill-intention to hurt the Complainant.
- 3.6 The Respondent assured that he will strictly comply with all the procedures, Rules and Guidelines of the Institute and will ensure the same are consistently followed in future.

**OBSERVATIONS OF THE BOARD:**

- 4.1 As regard the charge that the Respondent accepted the Tax Audit of abovementioned 10 clients for the Financial year 2018-19 without intimating the previous auditor of such clients i.e. the Complainant who had been carrying out these Tax Audits for past 15-20 years including previous year 2017-18, the Board took into view the requirement of Item (8) of Part I of the First Schedule to the Chartered Accountants Act, 1949 which provides as under:

*"A Chartered Accountant in practice shall be deemed to be guilty of Professional Misconduct, if he-*

*Accepts a position as auditor previously held by another chartered accountant or a certified auditor who has been issued certificate under the Restricted Certificate Rules, 1932 without first communicating with him in writing."*

The Board observed that there are two essential requirements under Item (8) of Part I of the First Schedule to The Chartered Accountant Act, 1949 which are as follows:

- i. The communication should be prior to the acceptance of the appointment as the auditor.
- ii. The communication should be in writing.

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- 4.2 The Board further noted that the Council of ICAI has laid certain guidelines as mentioned in the Code of Ethics – 2009 which read as below:

*"The requirement for communicating with the previous auditor being a Chartered Accountant in practice would apply to all types of audit viz., statutory audit, tax audit, internal audit, concurrent audit or any other kind of audit."*

- 4.3 The Board noted that the Respondent both at the Prima Facie Opinion stage and during the course of hearing in his oral/written submissions clearly admitted his mistake that he did not communicate in writing with the Complainant prior to the acceptance of the Tax Audit of the abovementioned 10 clients for the Financial year 2018-19.

Thus, in view of admission of guilt on the part of the Respondent and the documents and submissions on record, the Board held the Respondent Guilty in respect of the charge alleged.

**CONCLUSION:**

5. Thus, in conclusion, in the considered opinion of the Board, the Respondent is **GUILTY** of Professional Misconduct falling within the meaning of Item (8) of Part I of the First Schedule to the Chartered Accountants Act, 1949.

Sd/-

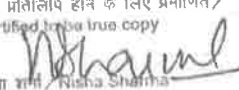
CA. Rajendra Kumar P  
(Presiding Officer)

Sd/-

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

DATE:05-10-2023

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

  
निशा शर्मा / Nisha Sharma  
मुख्य कार्यकारी अधिकारी / Sr. Executive Officer  
अनुशासनशास्त्र विभाग / Disciplinary Directorate  
इंस्टीट्यूट ऑफ चार्टर्ड एकाउंटेंट्स ऑफ इंडिया  
The Institute of Chartered Accountants of India  
आईसीएआई भवन, वित्त नगर, शाहदरा, दिल्ली-110032  
ICAI Bhawan, Vistwas Nagar, Shahdra, Delhi-110032