

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. : [PPR/MISC/86/2020/DD/13/INF/2020/BOD/622/2022]

CORAM (present in person):

CA. Rajendra Kumar P, Presiding Officer

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

CA. Priti Savla, Member

In the matter of:

CA. Pankaj Baweja (M.No.531343) in Re:

.....Respondent

Punjab

DATE OF FINAL HEARING : 3rd July 2023

PARTIES PRESENT: (through video conferencing)

Respondent : CA. Pankaj Baweja

Counsel for the Respondent : CA. Vishal Garg

FINDINGS:

CHARGE ALLEGED:

1. The Respondent was initially engaged in April 2016 with ICAI ARF as Jr. Consultant for the Pilot Study project for introduction of accrual-based accounting at RCF, Kapurthala. On completion of said pilot project in December 2016, the Respondent was engaged as Senior Executive with ICAI ARF for the Roll out project of Indian Railway on full time basis with a stipulation that he will not engage in any other professional work. It is alleged that the Respondent not only undertook professional work outside ICAI-ARF but that too for the same project (extended project) which he was supposed to oversee as part of the Central Nodal Team of ICAI ARF.

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BRIEF OF PROCEEDINGS HELD:

2.

S.No.	Date of Hearing(s)	Status of Hearing(s)
1.	16 th May 2023	Adjourned at the request of the Respondent.
2.	3 rd July 2023	Heard and concluded.

OBSERVATIONS OF THE BOARD:

3.1 At the outset, the Board noted that the period of engagement of the Respondent with Institute of Chartered Accountants of India Accounting Research Foundation (ICAI-ARF) was as under:

S.No.	Date of engagement letter	Period of Engagement	Capacity in which engaged
1.	23 rd May 2016	17 th May 2016 to 31 st December, 2016	Junior Consultant (on contractual basis)
2.	9 th June 2017	9 th June 2017 to 18 th August, 2018	Senior Executive (on contractual basis)

3.2 The Board perused the letter of engagement dated 9th June 2017 issued by ICAI ARF to the Respondent and duly accepted by him with the following terms of the engagement:

*“With reference to your expression of interest and succeeding interaction on 24th of January, 2017 for the position of Sr. Executive for the above-mentioned project we are pleased to engage you for the same purely on **contractual basis for a period of 14 months or till the completion/termination of the project, whichever is earlier** with the following terms & conditions of appointment as outlined below:.....*

*The **said engagement will be on full-time basis with ICAI Accounting Research Foundation and during your engagement you will not do any other professional work. However, you may continue to hold COP to maintain continuity.***

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In addition, you would also be undertaking task that are incidental to or arising out of the project till its completion in its entirety. Further, you will also make yourself available post completion of the project for resolution of any project related issue matter as may be considered necessary.(emphasis provided)

This engagement can be rescinded by giving 15 days' notice by either side or at any time."

3.3 The Board further noted that the ICAI-ARF in response to the Directorate's letter dated 30th December 2020 seeking the status of the contract of employment of the Respondent with ICAI-ARF, informed vide its letter dated 5th January 2021 that the appointment made vide letter dated 9th June 2017 got extended verbally with both parties continuing to perform their respective obligations as mentioned therein as the said project continued.

3.4 The Board further noted that ICAI-ARF work was completed in June 2019 and onwards 1st July 2019 to 4th March 2020, the Respondent was working in the Disciplinary Directorate, ICAI without any written engagement and agreement.

3.5 The Board further noted that the Respondent had stated in his CV as well as informed during his interview to ICAI ARF that he was the proprietor of Pankaj Baweja & Associates. His proprietorship firm was merged with M/s Rathi Agarwal & Company vide Merger Agreement dated 31st December 2018 and he got a 20 % share in the said firm. During the course of his association with the said Firm, the Respondent on behalf of the said firm submitted quotation to RCF, Kapurthala and to CORE, Allahabad(dated 11th February 2020). The Board further noted that the Letter of Acceptance dated 11th January 2020 was issued by RCF, Kapurthala and Letter of Acceptance dated 20th April 2020 was issued by CORE, Allahabad to the Respondent firm.

3.6 The Board also noted that there was no evidence to indicate that any professional work had been executed by the Respondent on behalf of the said partnership firm during the period of his engagement with ICAI ARF.

3.7 Thus, the Board opined that since the engagement of the Respondent with ICAI ARF formally expired on 8th August 2018 and thus, in the absence of any formal written engagement thereafter, he was under no obligation to be bound by the terms of engagement agreed upon earlier. Also, there was no evidence to indicate that any professional work had been executed by the Respondent on behalf of the said partnership firm during the period of his engagement

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with ICAI ARF. Thus, the Board was of the view that no misconduct as alleged on the part of the Respondent is evident and accordingly, he is held Not Guilty in respect of the charge alleged.

CONCLUSION:

4. Thus, in conclusion, in the considered opinion of the Board, the Respondent is **NOT 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. Accordingly, the Board passed Order for closure of the case 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.

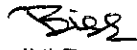
Sd/-
CA. Rajendra Kumar P
(Presiding Officer)

Sd/-
Ms. Dolly Chakrabarty (IAAS, rettd.)
(Government Nominee)

Sd/-
CA. Priti Savla
(Member)

DATE: 02-02-2024

सही प्रतिलिपि होने के लिए प्रमाणित
Certified to be true copy


बिषा नाथ तिवारी / Bishwa Nath Tiwari
कार्यकारी अधिकारी / Executive Officer
अनुशासनात्मक निदेशालय / Disciplinary Directorate
इंस्टिट्यूट ऑफ चार्टर्ड एकाउंटेंट्स ऑफ इंडिया
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