



THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA

(Set up by an Act of Parliament)

[PR/13/15/DD/91/15/DC/577/2017]

**ORDER UNDER SECTION 21B(3) OF THE CHARTERED ACCOUNTANTS ACT, 1949 READ WITH
RULE 19(1) OF THE CHARTERED ACCOUNTANTS (PROCEDURE OF INVESTIGATION OF
PROFESSIONAL AND OTHER MISCONDUCT AND CONDUCT OF CASES) RULES, 2007.**

In the matter of:

**CA. Brij Mohan Barwal,
Partner, M/s. Barwal & Associates,
D-58, Basement,
Kalkaji,
New Delhi-110 019**

.....Complainant

Versus

**CA. Nilmani Kumar, (M. No. 508682)
84-B, Anukampa Apartments,
Abhay Khand-IV, Indirapuram,
Dist-Ghaziabad,
UTTAR PRADESH -201014**

..... Respondent

MEMBERS PRESENT:

1. CA. Atul Kumar Gupta, Presiding Officer
2. Sh. Rajeev Kher, I.A.S. (Retd.), Govt. Nominee
3. CA. Amarjit Chopra, Government Nominee
4. CA. Rajendra Kumar P, Member

1. That vide findings under Rule 18 (8) of the Chartered Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007 dated 05.02.2019, the Disciplinary Committee was inter-alia of the opinion that **CA. Nilmani Kumar (M. No. 508682)** (hereinafter referred to as the **Respondent**) was **GUILTY** of professional misconduct falling within the meaning of Clause (8) of Part I of the First Schedule and Clause (1) of Part II of Second Schedule to the Chartered Accountants Act, 1949.

2. That an action under Section 21B (3) of the Chartered Accountants Act, 1949 was contemplated against the Respondent and communication dated 29th March, 2019 was



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addressed to him thereby granting an opportunity of being heard in person and/or to make oral/written representation before the Committee on 09th April, 2019 at New Delhi.

3. Further, on 09th April, 2019, the Committee noted that the Respondent was present and he appeared before it. The Respondent admitted his mistake and assured the Committee that he will not repeat the same in future.

4. The Committee noted that the Respondent pleaded guilty in terms of the provision of Rule 18 (8) of the Chartered Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007 before earlier Committee who dealt with the case in detail on the charges relating non-communication with the Complainant before accepting the assignment of audit of M/s. Vutts and Associates LLP and also accepted that said audit assignment before settling of undisputed fees of the Complainant who was the previous auditor of said entity.

5. The Committee perused the above facts and noted that the Respondent was enrolled as member of the Institute on 02/11/2006 and started his own practices w.e.f. 29/04/2013 in name & style of M/s. Nilmani K & Associates and he accepted the audit of said LLP for financial year 2013-2014 vide letter dated 23/09/2014 and signed the audit report in September, 2014.

In view of above and as admitted by the Respondent, the Committee was of the view that it was first audit assignment of the Respondent and even he has admitted his mistake at Prima Facie stage, at the time of hearing and even at the time of award of punishment.

Keeping in mind all above aspects, the Committee hereby warns the Respondent that as it was his initial audit assignment and he had just started his accountancy professional career, hence, looking into his honest admissions of mistake, he should be more careful in future in respect of discharging of professional duties and any professional negligence (if attracted in future) would be looked seriously.



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6. Thus, keeping in view the facts and circumstances of the case, the material on record before it, the Committee ordered that the Respondent i.e. CA. Nilmani Kumar (M. No. 508682) be reprimanded and a fine of Rs. 10,000/- (Rupees Ten Thousand only) plus applicable taxes (i.e. total sum of Rs. 11,800/- including GST as applicable) be also imposed upon him to be paid within 30 days of receipt of this order.

Sd/-
(CA. ATUL KUMAR GUPTA)
PRESIDING OFFICER

Sd/-
(CA. AMARJIT CHOPRA)
GOVERNMENT NOMINEE

Sd/-
(SHRI RAJEEV KHER, I.A.S. (Retd.)
GOVERNMENT NOMINEE

Sd/-
(CA. RAJENDRA KUMAR P)
MEMBER

DATE : 09/04/2019
PLACE : New Delhi

Certified Copy

Ajay Kumar Jain
Deputy Secretary
Disciplinary Directorate
The Institute of Chartered Accountants of India
ICAI Bhawan, I.P. Marg, New Delhi-110 002

CONFIDENTIAL

DISCIPLINARY COMMITTEE [BENCH – II (2018-2019)]

[Constituted under Section 21B of the Chartered Accountants (Amendment) Act, 1949]

Findings under Rule 18(8) of the Chartered Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007.

File No. : [PR/13/2015/DD/91/2015/DC/577/17]

In the matter of:

CA. Brij Mohan Barwal,
Partner, M/s. Barwal & Associates,
D-58, Basement,
Kalkaji,
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.....Complainant

Versus

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84-B, Anukampa Apartments,
Abhay Khand-IV, Indirapuram,
Dist-Ghaziabad,
UTTAR PRADESH -201014

..... Respondent

MEMBERS PRESENT:

CA. Prafulla P. Chhajed, Presiding Officer
Shri Rajeev Kher, I.A.S. (Retd.), Govt. Nominee
CA. Amarjit Chopra, Government Nominee
CA. Mangesh P. Kinare, Member

DATE OF HEARING : 18.09.2018

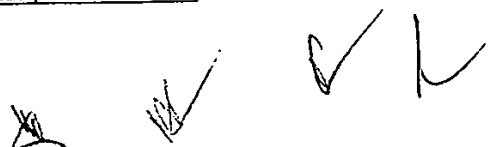
PLACE OF HEARING : ICAI Bhawan, New Delhi

PARTIES PRESENT:

Complainant : CA. Brij Mohan Barwal

Respondent : CA. Nilmani Kumar

Counsel for the Respondent : CA. K. Sampat alongwith CA. R. K. Gaur



Charges in Brief:-

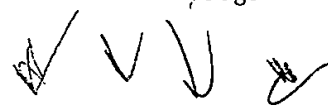
1. The Committee noted that the Respondent was held Prima Facie Guilty in respect of only one charge, which is as under:-
 - 1.1 He failed to communicate with the Complainant before accepting the assignment of audit of M/s. Vutts and Associates LLP and also accepted the same before settling of undisputed fees of the Complainant who was the previous auditor of said entity.

Brief facts of the Proceeding:

2. On the day of hearing i.e. 18/09/2018, the Committee noted that the Complainant in person and the Respondent alongwith Counsel (s) were present and appeared before it.
 - 2.1 The Complainant and the Respondent were put on oath. The Complainant explained the charges.
 - 2.2 On being asked, the Respondent pleaded guilty and accepted the charges. He further submitted that there was mistake on his part and he assured that he would not repeat the same in future.
 - 2.3 The Complainant also stated that as he has received professional fee, hence he has no grievance against the Respondent now.
 - 2.4 After recording the plea of both the parties, the Committee concluded the case.

Finding:-

3. Since the Respondent pleaded guilty as above, the Committee recorded his plea in terms of the provision of Rule 18 (8) of the Chartered Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007 and accordingly



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held the Respondent **GUILTY** of professional misconduct falling within the meaning of Clause (8) of Part I of the First Schedule and Clause (1) of Part II of Second Schedule to the Chartered Accountants Act, 1949.

Amrj

(CA. PRAFULLA P. CHHAJED)
PRESIDING OFFICER

Kher

(SH. RAJEEV KHER, I.A.S. (Retd.)
GOVERNMENT NOMINEE

Amrj

(CA. AMARJIT CHOPRA)
GOVERNMENT NOMINEE

M Kinare

(CA. MANGESH P. KINARE)
MEMBER

DATE : 05th february, 2019

PLACE : NEW DELHI