

**BEFORE THE APPELLATE AUTHORITY**

(Constituted under The Chartered Accountants Act, 1949, The Cost and Works Accountants Act, 1959, and The Company Secretaries Act, 1980)

**RECORD OF THE PROCEEDINGS  
APPEAL NO. DEF 13/ICAI/2024**

[Arising out of the Impugned Orders dated 22.01.2024 & 08.05.2024 passed by the Disciplinary Committee, The Institute of Chartered Accountants of India (constituted under Section 21B of the Chartered Accountants Act, 1949)]

**Neeraj Kumar Gupta**

**...Appellant**

**Vs.**

**President, The Institute of Chartered Accountants of India ...Respondent No. 1  
Disciplinary Committee**

**The Institute of Chartered Accountants of India ...Respondent No. 2  
Director (Discipline)**

**The Institute of Chartered Accountants of India ...Respondent No. 3**

**With**

**APPEAL NO. DEF 14/ICAI/2024**

[Arising out of the Impugned Orders dated 22.01.2024 & 08.05.2024 passed by the Disciplinary Committee, The Institute of Chartered Accountants of India (constituted under Section 21B of the Chartered Accountants Act, 1949)]

**Neeraj Kumar Gupta**

**...Appellant**

**Vs.**

**President, The Institute of Chartered Accountants of India ...Respondent No. 1  
Disciplinary Committee**

**The Institute of Chartered Accountants of India ...Respondent No. 2  
Director (Discipline)**

**The Institute of Chartered Accountants of India ...Respondent No. 3**

**With**

**APPEAL NO. DEF 15/ICAI/2024**

[Arising out of the Impugned Orders dated 22.01.2024 & 08.05.2024 passed by the Disciplinary Committee, The Institute of Chartered Accountants of India (constituted under Section 21B of the Chartered Accountants Act, 1949)]

**Neeraj Kumar Gupta**

**...Appellant**

**Vs.**

**President, The Institute of Chartered Accountants of India ...Respondent No. 1  
Disciplinary Committee**

**The Institute of Chartered Accountants of India ...Respondent No. 2**

**Director (Discipline)**  
**The Institute of Chartered Accountants of India** ...Respondent No. 3

**With**

**APPEAL NO. DEF 16/ICAI/2024**

[Arising out of the Impugned Orders dated 22.01.2024 & 08.05.2024 passed by the Disciplinary Committee, The Institute of Chartered Accountants of India (constituted under Section 21B of the Chartered Accountants Act, 1949)]

**Neeraj Kumar Gupta** ...Appellant

**Vs.**

**President, The Institute of Chartered Accountants of India** ...Respondent No. 1  
**Disciplinary Committee**  
**The Institute of Chartered Accountants of India** ...Respondent No. 2  
**Director (Discipline)**  
**The Institute of Chartered Accountants of India** ...Respondent No. 3

**With**

**APPEAL NO. DEF 17/ICAI/2024**

[Arising out of the Impugned Orders dated 22.01.2024 & 08.05.2024 passed by the Disciplinary Committee, The Institute of Chartered Accountants of India (constituted under Section 21B of the Chartered Accountants Act, 1949)]

**Neeraj Kumar Gupta** ...Appellant

**Vs.**

**President, The Institute of Chartered Accountants of India** ...Respondent No. 1  
**Disciplinary Committee**  
**The Institute of Chartered Accountants of India** ...Respondent No. 2  
**Director (Discipline)**  
**The Institute of Chartered Accountants of India** ...Respondent No. 3

**With**

**APPEAL NO. DEF 18/ICAI/2024**

[Arising out of the Impugned Orders dated 22.01.2024 & 08.05.2024 passed by the Disciplinary Committee, The Institute of Chartered Accountants of India (constituted under Section 21B of the Chartered Accountants Act, 1949)]

**Neeraj Kumar Gupta** ...Appellant

**Vs.**

**President, The Institute of Chartered Accountants of India** ...Respondent No. 1  
**Disciplinary Committee**  
**The Institute of Chartered Accountants of India** ...Respondent No. 2

**Director (Discipline)**  
**The Institute of Chartered Accountants of India**

**...Respondent No. 3**

**Date: - 18-09-2024**

**QUORUM:**

Hon'ble Mr. Justice Talwant Singh  
Hon'ble Mr. Rakesh Mohan  
Hon'ble Mr. Sandip Garg  
Hon'ble Mr. Pankaj Tyagee

Chairperson  
Member  
Member  
Member

**For Appellant:**

Mr. Sudhir Makkar, Senior Advocate along with Mr. Ajay Bahl, Mr. V.P. Singh, Mr. Kamal Shankar, Mr. Gautam Varma, Mr. Atul N, Ms. Aastha Singhal, Ms. Saumya Gupta, Mr. Arjun Narang and Mr. Shivam Jain, Advocates on behalf of the Appellant

**For Respondent(s):**

Ms. Pooja Mehra Saigal, Advocate along with Mr. Akshay Chandan, Mr. Akshay Pandey and Ms. Manya Jaitley on behalf of Respondent No. 1-3

**ORDER**

1. The bench is convened through video conferencing.
2. Heard the Learned Counsel for the parties and perused the record.
3. These appeals have arisen out of the composite Impugned Order dated 22.01.2024 (Findings) passed by the Disciplinary Committee, The Institute of Chartered Accountants of India, whereby the Appellant was held 'Guilty' of Professional Misconduct falling within the meaning of Clauses (2), (3), (5) & (7) of Part I of the First Schedule and Clause (1) of Part II of the Second Schedule to the Chartered Accountants Act, 1949 and consequential composite Order dated 08.05.2024 awarding him a punishment of removal of his name from the Register of Members for a period of three (03) years (concurrently in all six cases) along with a fine of ₹5,00,000/- (Rupees Five Lakh Only) (separately in all six cases).
4. Today is the first date of hearing of the aforesaid Appeals. All the Appeals are heard together.
5. At the very outset, the Learned Senior Counsel for the Appellant submitted that due to the fact that the Appellate Authority was not constituted when the Composite Impugned Orders dated 22.01.2024 and 08.05.2024 were passed; the Appellant had approached the Hon'ble High Court of Delhi vide W.P. (C) 6863 of

2024, for seeking stay against the operation of the composite punishment Order dated 08.05.2024. The Learned Senior Counsel for the Appellant has further submitted that the Hon'ble High Court of Delhi on 17.05.2024 has inter alia passed the following Order:

"2. *In an identical case, i.e., CA Bhupendra Singh Narayan Singh Rajput v. The Director (Discipline), Institute of Chartered Accountant of India & Anr., W.P.(C) 5329/2024, wherein a Coordinate Bench of this Court on 15.04.2024, has passed the following order:-*

*"2. The petitioner has challenged order dated 23.01.2024 passed by the Disciplinary Committee of the Institute of Chartered Accountants of India. Learned counsel for respondent no. 1 who has appeared on advance notice does not deny that currently, office of the Chairperson of the appellate authority is lying vacant, due to which jurisdiction of this court has been invoked. The order impugned in this writ petition is amenable to appellate scrutiny. Learned counsel for respondent no. 1 further explains that effect to the impugned punishment order can be given only by respondent no. 1 and he has instructions to assure that till the stay application in appeal filed by the petitioner is heard, the impugned punishment order shall not be implemented.*

*3. Accordingly, as requested by both sides, the present petition is disposed of with the directions that till the preliminary hearing of appeal filed by the petitioner, the impugned punishment order dated 23.01.2024 shall not be implemented. All pending applications accordingly stand disposed of."*

*3. This said order shall mutatis mutandis apply to the Petitioners herein"*

6. Issue notices of the six (6) Appeals to the Respondents. Ld. Counsel for Respondents accepts notices. The Copies of the Appeals have already been supplied to the Respondents.

7. The Learned Counsel for Respondents has sought time to file replies to the Appeal. As prayed, Respondents are granted 04 weeks' time to file reply to the Appeal. The Appellant will have thereafter four (04) weeks for filing rejoinders thereto, if any.
8. The parties are directed to exchange pleadings.
9. In the meantime, the Impugned Composite Penalty Order dated 08.05.2024 shall remain stayed till the next date of hearing.
10. The Registry is directed to allot regular number to these Appeals.
11. List the matter after the expiry of the aforesaid period. The Registry shall intimate the next date to the parties in due course.

**Justice Talwant Singh**  
Chairperson

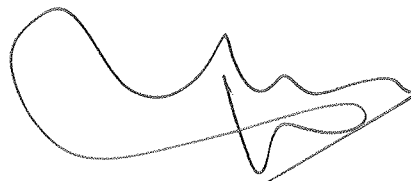
**Rakesh Mohan**  
Member

**Sandip Garg**  
Member

**Pankaj Tyagee**  
Member

18.09.2024/SR

CERTIFIED TO BE TRUE COPY



DEPUTY REGISTRAR  
APPELLATE AUTHORITY  
ICAI BHAWAN  
A-29, SECTOR-62, NOIDA-201301