

भारतीय सनदी लेखाकार संस्थान

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

[DISCIPLINARY COMMITTEE [BENCH-IV (2024-2025)]
[Constituted under Section 21B of the Chartered Accountants Act, 1949]

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

File No. : PR/G/09/2022/DD/75/2022/DC/1716/2023

In the matter of :

Smt. Kamna Sharma
Dy. ROC, NCT of Delhi & Haryana
Ministry of Corporate Affairs
4th Floor, IFCI Tower, 61, Nehru Place
New Delhi - 110019

..... Complainant

Versus

CA. Isha Gupta (M. No. 536649)
160, Block M, Shastri Nagar
Delhi - 110052

..... Respondent

MEMBERS PRESENT:

1. CA. Ranjeet Kumar Agarwal, Presiding Officer (In person)
2. Shri Jiwesh Nandan, I.A.S (Retd.), Government Nominee (In person)
3. Ms. Dakshita Das, I.R.A.S. (Retd.), Government Nominee (Through VC)
4. CA. Mangesh P Kinare, Member (In person)
5. CA. Abhay Chhajed, Member (In person)

DATE OF HEARING : 06th January 2025

DATE OF ORDER : 20th January 2025

1. That vide Findings dated 15.10.2024 under Rule 18(17) of the Chartered Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007, the Disciplinary Committee was inter-alia of the opinion that **CA. Isha Gupta (M. No. 536649)** (hereinafter referred to as the Respondent") is **GUILTY** of Professional Misconduct

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falling within the meaning of Item (7) of Part I of Second Schedule to the Chartered Accountants Act, 1949.

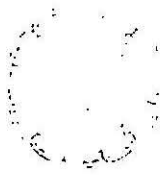
2. That pursuant to the said Findings, an action under Section 21B(3) of the Chartered Accountants (Amendment) Act, 2006 was contemplated against the Respondent and a communication was addressed to her thereby granting an opportunity of being heard in person/ through video conferencing and to make representation before the Committee on 06th January 2025.

3. The Committee noted that on the date of hearing on 06th January 2025, the Respondent was present through video conferencing. During the hearing, the Respondent stated that she had already submitted her written representation dated 08/11/2024 on the Findings of the Committee. During the hearing before the Committee, the Respondent admitted that she had certified the incorporation documents of the Company but has no proof of personal visit to the registered office of the Company. The Committee also noted the written representation of the Respondent dated 08/11/2024 on the Findings of the Committee, which, inter alia, are given as under:-

- Scope of work was related to certification of SPICE Form w.r.t incorporation of Company (M/s. Ormang Overseas Pvt. Ltd.).
- The Respondent was never Statutory Auditor of the Company.
- During certification assignment, the Respondent did not come across any evidence which would cast doubt on the integrity of the documents, and thus she acted in good faith for certification assignment.
- The Complainant failed to produce any document proving any alleged illegal association with foreign entities or involvement in suspicious activities of the Respondent.
- The Respondent had certified the incorporation documents based on the information and documents submitted to her and that she was not aware of the fact that the Directors/Promoters were dummy.

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- The Respondent, while certifying incorporation documents, had relied upon Form No INC-09 i.e. notarized affidavits of both Directors, wherein they had declared that they were not convicted of any offence, or guilty of any fraud.
- Prior to incorporation of Company, the Directors already held legitimate DIN number(s) issued by the Complainant Department.
- The Respondent had visited the registered office of the Company physically, which was in conformity with the Declaration made in the SPICe Form.
- Mr. Gopal has never mentioned the name of the Respondent in any of the business affairs that took place in the Company.
- No evidence was provided to show that the Respondent had acted malafide or with moral delinquency. The Respondent has a longstanding, unblemished career, free from any prior accusations of misconduct.

4. The Committee considered the reasoning as contained in Findings holding the Respondent 'Guilty' of Professional Misconduct vis-à-vis written and verbal representation of the Respondent. The Committee noted that the issues/ submissions made by the Respondent as afore stated have been dealt with by it at the time of hearing under Rule 18.

5. Thus, keeping in view the facts and circumstances of the case, material on record including written and verbal representation of the Respondent on the Findings, the Committee noted that the Respondent failed to bring on record any evidence to prove that she had personally visited the registered office address of the Company at the time of certification of incorporation documents of the Company. Further, the Committee noted that the Respondent vide her letter dated 22/08/2022 had submitted that she had certified the incorporation documents on the basis of the information and document submitted to her along with the Memorandum of Association and Articles of Association. In view of this, the Committee was of the view that the Respondent has failed to put forth any evidence in respect of verification of the identity of the Directors/Promoters. Further, the Committee also noted that no engagement letter was issued to the Respondent for the assignment of certification of incorporation

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documents of the Company and it is evident that the Respondent had failed to prove the identity of the Directors/Subscribers of the Company. Thus, the Committee was of the view that the Respondent failed to exercise due diligence while performing her professional duties in respect to the certification of incorporation documents of the Company.

6. Hence, the Professional Misconduct on the part of the Respondent is clearly established as spelt out in the Committee's Findings dated 15th October 2024 which is to be read in consonance with the instant Order being passed in the case.

7. Accordingly, the Committee was of the view that the ends of justice would be met if punishment is given to her in commensurate with her Professional Misconduct.

8. Thus, the Committee ordered that the Respondent i.e. CA. Isha Gupta (M. No. 536649), Delhi be REPRIMANDED under Section 21B(3)(a) of the Chartered Accountants Act 1949.

Sd/-
(CA. RANJEET KUMAR AGARWAL)
PRESIDING OFFICER

Sd/-
(SHRI JIWESH NANDAN, I.A.S. {RETD.})
GOVERNMENT NOMINEE

Sd/-
(MS. DAKSHITA DAS, I.R.A.S. {RETD.})
GOVERNMENT NOMINEE

Sd/-
(CA. MANGESH P KINARE)
MEMBER

Sd/-
(CA. ABHAY CHHAJED)
MEMBER

प्रमाणित सत्य प्रतिलिपि / Certified True Copy


अंजू ग़ोवर / ANJU GROVER
सहायक सचिव / Assistant Secretary
अनुशासनात्मक निदेशालय / Disciplinary Directorate
भारतीय सचिवी लेखाकार संस्थान
The Institute of Chartered Accountants of India
भारतीय सचिवी लेखाकार संस्थान, दिल्ली

CONFIDENTIAL

DISCIPLINARY COMMITTEE [BENCH – IV (2024-2025)]

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

Findings under Rule 18(17) of the Chartered Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007.

File No. : PR/G/09/2022/DD/75/2022/DC/1716/2023

In the matter of :

Smt. Kamna Sharma

Dy. ROC, NCT of Delhi & Haryana

Ministry of Corporate Affairs

4th Floor, IFCI Tower, 61, Nehru Place

New Delhi - 110019

..... Complainant

Versus

CA. Isha Gupta (M. No. 536649)

160, Block M, Shastri Nagar

Delhi - 110052

..... Respondent

MEMBERS PRESENT:

CA. Ranjeet Kumar Agarwal, Presiding Officer (In person)

Shri Jiwesh Nandan, I.A.S (Retd), Govt. Nominee (In person)

CA. Mangesh P. Kinare, Member (In person)

CA. Abhay Chhajed, Member (In person)

DATE OF FINAL HEARING : 10th April, 2024

DATE OF DECISION TAKEN : 28th May, 2024

PARTIES PRESENT:

Respondent : CA. Isha Gupta (In person)

Counsel for the Respondent : Advocate Sumit Kansal (In person)



Background of the Case:

- 1.1 As per the Complainant Department, certain information had come to the knowledge of Central Government that Foreign Nationals/ individuals/ entities with the help and support of professional were involved in formation of Companies wherein dummy persons were engaged as subscribers to MOA & Directors by furnishing forged documents with falsified addresses / signatures, Director Identification Number (DIN) to MCA.
- 1.2 It is stated that some companies/individuals/entities who were directly or indirectly connected with the above Company were found to be engaged in illegal/ suspicious activities, money laundering, tax evasion and non-compliance of various provisions of laws.
- 1.3 The Complainant Department stated that certain professionals in connivance with such individuals/directors/subscriber to MOA have assisted in incorporation and running of these Companies for illegal/suspicious activities in violation of various laws by certifying e-forms/various reports etc. on MCA portal with false information concealing the real identities of such individuals.
- 1.4 It was further stated that professionals are duty bound to discharge their duties as per law and certify / verify documents / e-forms or give certificate / Report after due diligence so that compliance to the provisions of law shall be ensured. However, they had failed to discharge their duties and willfully connived with directors / company / shareholders / individuals in certifying e-forms knowingly with false information / documents / false declaration / omitting material facts or information in said Company.
- 1.5 In the instant case, the Respondent had certified incorporation documents of M/s Ormang Overseas Private Limited (hereinafter referred to as '**the Company**') and some irregularities were found by the Complainant department.

2. Charges in brief:

- 2.1 The Respondent was involved in the formation of a shell Company with dummy directors and promoters which have been found to be rotating the funds and not disclosing the details in the audited financial statements filed with MCA by auditor.
- 2.2 The Respondent at the time of certifying incorporation documents was aware that the Directors/Promoters of the subject Company were dummy and Mr. Gopal, one of the Subscriber/Director was hired on a salary of Rs.20,000 P.M. by CA. Manoj Dudeja (stated to be statutory auditor of the Company) to act as Director in the Company.

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3 The relevant issues discussed in the Prima facie opinion dated 14th September 2022 formulated by the Director (Discipline) in the matter in brief, are given below:

3.1. The Respondent had certified only the application of incorporation of the Company in Form INC-32 (SPICe) on 20th October 2017 and also certified its subscribers details in SPICe MOA and SPICe AOA. The Respondent in her defence stated that the scope of work was limited to the certification of incorporation form of the Company. Under Rule 8(5), on being asked by the Respondent that how did she verify the identity of the Directors/Subscribers to MOA and AOA, the Respondent in her response dated 22nd August 2022 stated as under

"5. I certified the MOA/AOA on the basis of the information and documents submitted to me in the said form."

Thus, keeping in view her response, it is observed that she had failed to put forth any other evidence except the mention of documents submitted to her by the client and furthermore, no engagement letter has also been issued to the Respondent nor she disclosed that who approached her for this assignment.

3.2 In respect of second allegation, there is nothing on record to show that the Respondent at the time of certifying incorporation documents was aware that the Directors/Promoters of the subject Company were dummy or that Mr. Gopal, one of the Subscriber/Director was hired on a salary of Rs.20,000 P.M. by CA Manoj Dudeja (stated to be statutory auditor of the Company) to act as Director in the Company as mentioned in his (Mr. Gopal) statement on oath dated 12-03-2022 given to the Complainant department under Section 207(3) of Companies Act, 2013 or that the subject Company post incorporation would be rotating funds as alleged in the Complaint. Hence, in the absence of any evidence on record to prove any malafide or connivance on the part of the Respondent, she is held *prima facie* **Not Guilty** of Other Misconduct in respect of this allegation falling within the meaning of Item (2) of Part-IV of First Schedule to the Chartered Accountant Act, 1949.

3.3 The Director (Discipline) in his Prima Facie Opinion dated 14th September, 2022 opined that the Respondent was *prima facie* **Guilty** of Professional Misconduct falling within the meaning of Item (7) of Part I of Second Schedule to the Chartered Accountants Act, 1949 in respect of first allegation (stated in para 2.1 above). The said item of the Schedule to the Act, states as under:

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Item (7) of Part I of the Second Schedule:

"A Chartered Accountant in practice shall be deemed to be guilty of professional misconduct if he:

x x x x x x

(7) does not exercise due diligence or is grossly negligent in the conduct of his professional duties".

3.4. The Prima Facie opinion formed by the Director (Discipline) was considered by the Disciplinary Committee in its meeting held on 16th January 2023. The Committee, on consideration of the same, concurred with the reasons given in paras 10.1 to 10.6 i.e. in respect of first allegation (stated in para 2.1 above) of the prima facie opinion. As regards the reasons given in para 10.7 i.e. for second allegation (as stated in para 2.2 above) of the prima facie opinion against the Respondent that at the time of certifying incorporation documents she was aware that the Directors/Promoters of the subject Company were dummy or that Mr. Gopal, one of the Subscriber/Director was hired on a salary of Rs.20,000 P.M. by CA. Manoj Dudeja (stated to be statutory auditor of the Company) to act as Director in the Company as mentioned in his (Mr. Gopal) statement on oath dated 12-03-2022 given to the Complainant department under Section 207(3) of Companies Act,2013 or that the subject Company post incorporation would be rotating funds as alleged in the Complaint. The Committee did not concur with the opinion/reasoning of Director (Discipline) holding the Respondent Not Guilty on this allegation. The Committee was of the opinion that the intensity and the gravity of the allegation was serious in nature which cannot be taken note of lightly. The committee further noted that the magnitude of allegation was very high as it touched upon the larger background of shell companies to Chinese nationals/dummy directors and therefore there is a need to get into the bottom of the matter for ascertaining the truthfulness of the allegation. In view of the same, the Committee was of the view that the allegations as contained in para 10.7 of Prima Facie Opinion was also required to be examined at the time of hearing/inquiry by it. Accordingly, the Committee decided that the Respondent is prima facie held Guilty of professional misconduct falling within the meaning of Item (7) of Part I of Second Schedule to the Chartered Accountants Act 1949 in respect of charges as contained in para 10.7 of the prima facie opinion.

In view of the above and in terms of reasoning as mentioned in paras 10.1 to 10.6 of Prima Facie Opinion and as per reason given above in respect of charge contained in para 10.7 of Prima Facie Opinion, the Respondent is Prima Facie held **GUILTY** of Professional Misconduct falling within the meaning of Item (7) of Part I of Second Schedule to the

Chartered Accountants Act, 1949 and decided to proceed further under Chapter V of these Rules.

4. **Date(s) of Written submissions/Pleadings by parties:**

The relevant details of the filing of documents in the instant case by the parties are given below:

S.No.	Particulars	Dated
1.	Date of Complaint in Form 'I' filed by the Complainant	03.01.2022
2.	Date of Written Statement filed by the Respondent	05.04.2022
3.	Date of Rejoinder filed by the Complainant	25.07.2022
4.	Date of Prima facie Opinion formed by Director (Discipline)	14.09.2022
5.	Written Submissions filed by the Respondent after PFO	06.05.2023
6.	Written Submissions filed by the Complainant after PFO	---

5. **Written submissions filed by the Respondent:**

The Respondent vide her submission dated 06th May 2023, has made the following submissions: -

- (i) Her engagement was limited to certification of the SPICE Form, while all other work such as incorporation of Company was not to be handled by her. She had not rendered any services with respect to procuring the Digital Signature Certificate (DSC)/Director Identification Number (DIN) before incorporation of said Companies.
- (ii) She did not come across any compelling evidence, circumstances which would raise doubt on the veracity of documents and Forms submitted to her. DIN of the individual Subscriber and Director mentioned in the incorporation Form were already approved and allotted by the regulator i.e. ROC/MCA.
- (iii) The Respondent was not acting in the capacity of an investigating agency to detect frauds or risks or check upon the veracity/credibility of the documents.
- (iv) After the incorporation of the Company, she was not at all engaged for any single assignment with the Company or its promoters/Directors or the auditors.

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- (v) The Complainant has miserably failed to showcase any facts, evidence or any other evidence with any law on behalf of the Respondent that shows her connivance/complicity in this case.
- (vi) The Respondent while rendering her professional services had relied upon the Form No INC-09 i.e. notarized affidavits of both the Directors that they have not been convicted of any offence, or guilty of any fraud etc.
- (vii) The Respondent at the time of certification of the Form dated 17.10.2017, had personally visited the proposed registered office of the Company.

6. **Brief facts of the Proceedings:**

6.1 Details of the hearing(s)/ meeting(s) fixed and held/ adjourned in the said matter are given as under –

Particulars	Date of Meeting(s)	Status
1 st hearing	05 th June 2023	Part heard and adjourned
2 nd hearing	10 th April 2024	Hearing concluded and Judgment Reserved.
	17 th May 2024	Deferred due to paucity of time.
	28 th May 2024	Decision Taken.

- 6.2 On the day of first hearing on 05th June 2023, the Committee noted that the Complainant and the Respondent were present through Video conferencing mode. Thereafter, they gave a declaration that there was nobody present except them from where they were appearing and that they would neither record nor store the proceedings of the Committee in any form. Being first hearing of the case, the Respondent was put on Oath.
- 6.3 Thereafter, the Committee enquired from the Respondent as to whether she was aware of the charges and charges against the Respondent were read out. On the same the Respondent replied that she was aware of the Charges and pleaded Not Guilty to the charges levelled against her.
- 6.4 In view of Rule 18(9) of the Chartered Accountants (Procedure of Investigation of Professional and Other Misconduct and Conduct of Cases) Rules, 2007, the Committee adjourned the case to a later date.
- 6.5 On the day of the final hearing on 10th April, 2024, the Committee noted that the Respondent along with her Counsel were physically present for the hearing. The Committee noted that neither the Complainant nor their authorized Representative was present for the hearing despite the notice of hearing duly served upon the Complainant. The Committee noted that

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the office vide e-mail dated 09/04/2024 had requested the Complainant to provide the name of official(s) with contact number who would present the case before the Committee, however, no response was received from Complainant Department. After noting these facts, the Committee decided to proceed in the matter ex-parte the Complainant. The Committee noted that the case was part heard and the Respondent was already on oath.

- 6.6 Thereafter, the Committee asked the Respondent to make submissions in her defence. The Respondent's Counsel, reiterated the submissions as contained in her written submissions dated 06/05/2023 (as stated in above para 5). The Counsel for the Respondent further submitted that the main allegation was against CA. Manoj Dudeja as mentioned in complaint and he was the auditor of subject Company and involved in the incorporation of shell Company by hiring dummy directors and promoters, whereas the role of the Respondent was restricted to certification of SPICE Form.
- 6.7 After recording the submissions of the Counsel for the Respondent, the Committee gave 15 days' time to the Respondent to submit further written submissions, if any, in the matter. Based on the documents and material available on record and after considering the oral and written submissions made by the Counsel for the Respondent, the Committee concluded the hearing in the matter and judgment was reserved.
- 6.8 On 17th May 2024, the subject case was fixed for taking decision in the matter. However, consideration was deferred by the Committee due to paucity of time.
- 6.9 Thereafter, on 28th May 2024, the subject case was again fixed for taking decision. The Committee noted that the subject case was heard by it at length in the presence of the Complainant and the Respondent. Further, the Committee concluded the hearing in this case at its meeting held on 10.04.2024 and the judgment was reserved. During the hearing held on 10.04.2024, the Committee directed that the Respondent may file written submissions (if any) in the subject case at the earliest. However, the Respondent did not file written submissions.
- 6.10 After detailed deliberations, and on consideration of the facts of the case, various documents on record as well as oral and written submissions made by the parties before it, the Committee took the decision on the conduct of the Respondent.

7 **Findings of the Committee:-**

The Committee noted the background of the case as well as oral and written submissions made by the Complainant and the Respondent, documents/ material on record and gives its

findings as under: -
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- 7.1 The Committee noted that the Complainant's specific statements and allegation have been made primarily against CA. Manoj Dudeja that he being statutory auditor of the Company did not attach Schedule 5 – Short term borrowings showing borrowings and the details of the parties from whom amount are borrowed and other schedules/ notes to accounts while filing Form AOC-4 in order to hide the suspicious transactions.
- 7.2 Further, the Company had taken Inter Corporate Deposit from 'M/s Higeiki Services Private Limited' and party 'C LI Zhenghua' of Rs.80,00,000 and further the statement on Oath of one of the Director Mr. Gopal also signifies the involvement of CA Manoj Dudeja as such Director had given the statement that he was hired by Mr. Manoj Dudeja on salary of Rs.20,000 P.M. However, it is further noted that the Complainant after stating all the above mentioned facts, made allegation against the Respondent that she was involved in the formation of such shell Company with dummy Directors. Hence, the matter is examined in the below paras against the Respondent only with regard to the allegation that she (Respondent) was knowingly involved in the formation of the alleged shell Company which have been found to be rotating the funds.
- 7.3. In view of above, the Committee noted that there are two charges against the Respondent in which she had been held prima facie guilty, which are as under:
- (i) The Respondent was involved in the formation of a shell Company with dummy directors and promoters.
 - (ii) The Respondent at the time of certifying incorporation documents was aware that the Directors/Promoters of the Company were dummy. The details of allegations are given in para 2.1 & 2.2 above.
- 7.4. In respect of first allegation, the Committee noted that the Respondent had certified the incorporation form of the Company i.e. Form INC-32 (SPICe) on 20/10/2017 and also certified subscribers details in SPICe Memorandum of Association and SPICe Articles of Association. The Committee noted the defence of the Respondent, wherein she had stated that her scope of work was limited to the certification of incorporation Form of the Company. Further she submitted that she had personally visited the registered office address of the Company. However, the Committee noted that the Respondent failed to bring on record any evidence to prove that she had personally visited the registered office address of the Company at the time of certification of incorporation documents of the Company.

7.5 Further, the Committee noted that the Respondent vide her letter dated 22/08/2022 had submitted that she had certified the incorporation documents on the basis of the information and document submitted to her along with the Memorandum of Association and Articles of Association. In view of this, the Committee was of the view that the Respondent has failed to put forth any evidence in respect of verification of the identity of the Directors/Promoters. Further, the Committee also noted that the Respondent had also stated that no engagement letter was issued to her for the assignment of certification of incorporation documents of the Company. Thus, it is evident that the Respondent had failed to prove the identity of the Directors/Subscribers of the Company.

7.6. In view of above, the Committee was of the opinion that the Respondent before certifying Form INC-32 (Spice) had not visited the Registered office address of the Company i.e. E-216, Block-E, Rajeev Nagar, Begumpur, North West Delhi as stated in said Form and relied upon the address as mentioned in the utility bill i.e. electricity bill, submitted along with said Form. Further, it is noted that the Respondent in her declaration had certified that she had personally visited the premises of proposed registered office of the Company in the following manner :

"I further certify that;

(i).....

(ii).....

(iii).....

(i) I further declare that I have personally visited the premises of the proposed registered office given in the form at the address mentioned herein above and verified that the said proposed registered office of the company will be functioning for the business purposes of the company (wherever applicable in respect of the proposed registered office has been given)."(emphasis added)

7.7. The Committee observed that in view of ICAI publication on 'Technical Guide on Easy Incorporation of Companies through SPICE+' issued in July,2020 in para 4.4.5 specified the requirement for the professional certifying Form INC-32 to personally visit the premises of the proposed registered office given in the Form at the address mentioned.

7.8. The Committee further observed that the Respondent had verified the registered office of the Company on the basis of electricity bill and it is apparently clear that she had failed to perform the duty of certifying incorporation Form of the Company diligently and had given wrong certification in such Form by stating therein that she had personally visited such Registered office of the Company. Accordingly, the Respondent was held 'Guilty' in respect of this charge.

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7.9 In regard second allegation (as stated in Para 2.2 above), the Committee noted that Mr. Gopal, one of the Subscriber/Director had given statement on oath dated 12/03/2022 to the Complainant department under Section 207(3) of Companies Act, 2013. On perusal of said statement, it is noted that at the time of recording the statement, Mr. Gopal was accompanied by CA. Manoj Dudeja, and Mr. Gopal in his statement has clearly admitted that he was working as field boy on salary of Rs. 20,000/- for CA. Manoj Dudeja. He further submitted that the Company ceased its operations since Financial Year 2019-2020. In view of this admission, the Committee was of the opinion that Mr. Gopal was working for CA. Manoj Dudeja and he had no independent role in the business activities of the Company. Further, the Respondent also failed to bring on record any evidence in her defence to negate this allegation. The Committee also noted that the Respondent had admitted that she had certified the incorporation documents on the basis of the information and document submitted to her and so it was clear that she carried out the certification without even knowing the Directors. In view of this, the Committee was of the view that the Respondent failed to exercise due diligence while performing her professional duties in regard of certification of incorporation documents of the Company.

7.10. On the basis of above facts, the Committee was of the view that the Respondent is **Guilty** of Professional Misconduct falling within the meaning of Item (7) of Part I of the Second Schedule to the Chartered Accountant Act, 1949.

7.11. While arriving at its Findings, the Committee also observed that in the background of the instant case the Complainant Department informed that the Company was registered with ROC, NCT of Delhi & Haryana by engaging dummy persons as subscribers to MOA & Directors by furnishing forged documents with falsified addresses / signatures, Director Identification Number (DIN) to MCA. Further, certain professionals in connivance with such individuals/directors/subscriber to MOA assisted in incorporation and running of these Companies for illegal/suspicious activities in violation of various laws by certifying e-forms/various reports etc. on MCA portal with false information concealing the real identities of such individuals. However, no evidence of the involvement of the Respondent to that effect had been brought on record by the Complainant Department. The role of the Respondent was limited to certification of incorporation documents which has been examined by the Committee.

8. Conclusion:

In view of the findings stated in above paras, vis-à-vis material on record, the Committee gives its charge wise findings as under:

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Charges (as per PFO)	Findings	Decision of the Committee
Para 2.1 and Para 2.2 as given above	Paras 7.1 to 7.10 as given above	GUILTY – Item (7) of Part I of the Second Schedule

9. In view of the above observations, considering the oral and written submissions of the parties and material on record, the Committee held the Respondent **GUILTY** of Professional Misconduct falling within the meaning of Item (7) of Part-I of Second Schedule to the Chartered Accountants Act, 1949.

Sd/-

(CA. RANJEET KUMAR AGARWAL)
PRESIDING OFFICER

Sd/-

(SHRI JIWESH NANDAN, I.A.S. {Retd.})
GOVERNMENT NOMINEE

Sd/-

(CA. MANGESH P KINARE)
MEMBER

Sd/-

(CA. ABHAY CHHAJED)
MEMBER

DATE: 15/10/2024
PLACE: New Delhi

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

मीनू गुप्ता / Meenu Gupta
वरिष्ठ कार्यकारी अधिकारी / Sr. Executive Officer
अनुशासनालय / Disciplinary Directorate
इंस्टीट्यूट ऑफ चार्टर्ड एकाउंटेंट्स ऑफ इंडिया
The Institute of Chartered Accountants of India
आइ.सी.ए.आई. भवन, विद्याल नगर, शाहदरा, दिल्ली-110032
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