



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

[PR/G/354/2021/DD/64/2023/BOD/739/2024]

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:

Shri Vineet Rai

(Subsequently changed to Shri Afsar Ali, DROC, WB)
Dy. Registrar of Companies, West Bengal
Ministry of Corporate Affairs
Nizam Palace, 2nd MSO Building, 2nd Floor
234/4, Acharya Jagadish Chandra Bose Road
Kolkata.....

Complainant

Versus

CA. Pratik Kotecha (M. No. 302119)

M/s. Pratik & Co, (FRNo. 328184E)
5/1, Azadgarh, 2nd Floor Flat No-6
PO Regent Park,
Kolkata.....

Respondent

[PR/G/354/2021/DD/64/2023/BOD/739/2024]

MEMBERS PRESENT (IN PERSON):

CA. Rajendra Kumar P, Presiding Officer

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

CA. Priti Savla, Member

Date of hearing and passing of Order: 29th July 2025

1. The Board of Discipline vide its Findings dated 25th January 2025 was of the view that CA. Pratik Kotecha (M No. 302119) is **GUILTY** of Other Misconduct falling within the meaning of Item (2) of Part IV of the First Schedule under the Chartered Accountants Act, 1949.
2. An action under Section 21A (3) of the Chartered Accountants Act, 1949 was contemplated against CA. Pratik Kotecha (M No. 302119) and communication dated 16th July 2025 was addressed to him thereby granting him an opportunity of being heard on 29th July 2025 which was exercised by him by being present through video conferencing. He confirmed receipt of the findings of the Board.
3. Thus, upon consideration of the facts of the case, the consequent misconduct of CA. Pratik Kotecha (M No. 302119) and keeping in view his representation before it, the Board decided to **Reprimand** him.

Sd/-

CA. Rajendra Kumar P
(Presiding Officer)

सत्यापित होने के लिए प्रमाणित / Certified to be True Copy

Sd/-

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

Sd/-

CA. Priti Savla
(Member)

Shri Vineet Rai -Vs- CA. Pratik Kotecha (M No. 302119)

The Institute of Chartered Accountants of India
आई.सी.ए.आई. भवन, सी-1, सेक्टर-1, नोइडा-201301 (उ.प्र.)
ICAI Bhawan, C-1, Sector-1, Noida-201301 (U.P.)

BOARD OF DISCIPLINE

(Constituted under Section 21A of the Chartered Accountants Act 1949)

FINDINGS UNDER RULE 14 (9) OF THE CHARTERED ACCOUNTANTS (PROCEDURE OF INVESTIGATION OF PROFESSIONAL AND OTHER MISCONDUCT AND CONDUCT OF CASES) RULES, 2007

CORAM: (In Person)

CA. Rajendra Kumar P, Presiding Officer
Ms. Dolly Chakrabarty, Government Nominee

IN THE MATTER OF:

Shri Vineet Rai

(Subsequently changed to Shri Afsar Ali, DROC, WB)

Dy. Registrar of Companies, West Bengal

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Nizam Palace, 2nd MSO Building, 2nd Floor

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Kolkata.....Complainant

Versus

CA. Pratik Kotecha (M. No. 302119)

M/s. Pratik & Co, (FRNo. 328184E)

5/1, Azadgarh, 2nd Floor Flat No-6

PO Regent Park,

Kolkata.....Respondent

Date of Final hearing

: **14th December 2024**

Place of Final hearing

: **'ICAI Bhawan' Kolkata**

PARTIES PRESENT (In Person)

Complainant

: **Shri Indresh Kumar Singh, Assistant ROC**

Respondent

: **CA. Pratik Kotecha**

FINDINGS:

BACKGROUND OF THE CASE

1. The Complainant stated that in accordance with the decision to demonetize all Rs. 500 and Rs. 1000 banknotes of the old series, announced on 08th November 2016, by the Hon'ble Prime Minister of India, the Central Government diligently monitored transactions carried out in the banking system both during and subsequent to the demonetization period. Subsequently, the Central Government, through the Ministry of Corporate affairs vide letter dated 15th November 2017, ordered the investigation

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into the ownership of M/s. Aacharan Sales Private Limited (hereinafter referred to as "Company"). Further, as per Complainant, based upon the information obtained by the inspectors during the course of investigation, it was observed that the Company was the shell Company which does not have any substantial real assets and business. The Complainant has further stated that the said Company was used only for making financial transactions and was involved in the activities of entry operations along with other entities.

CHARGES ALLEGED:

2. The Complainant has alleged that as per Income Tax Return filed by the Company, the Respondent has signed the Tax Audit Report of the Company dated 01.09.2014 (for FY 2013-2014) and 01.09.2015 (for FY 2014-2015). Thus, vide letter dated 29.01.2018, he was summoned to appear before the Inspectors on 05.02.2018. However, despite delivery of summons on 31.01.2018, he has failed to appear before the Inspectors. Further to above, the investigation officer in his Investigation report of the Complainant department also recommended penal action against the Respondent under Section 217 (8) (c) of the Companies Act, 2013.

BRIEF OF PROCEEDINGS HELD:

3. The details of the hearings fixed and held in the matter, are given as under:

| Date of Hearing(s) | Status of hearing(s) |
|--------------------------------|----------------------------------|
| 14 th December 2024 | The case is heard and concluded. |

BRIEF SUBMISSION OF THE RESPONDENT

4. The Respondent submitted that on 25th June 2024, they received a communication from the Institute of Chartered Accountants of India (ICAI) regarding a complaint filed by the Registrar of Companies (ROC). This complaint pertains to the alleged filing of a tax audit report for a company in question. The Respondent categorically denies filing the said report and asserts that he is not involved in the matter. The Respondent further stated that he did not receive any notice or summons from the ROC in 2018. Specifically, they did not receive any communication regarding the alleged summons issued on 31st January 2018. During the period mentioned in the complaint, the Respondent was not present in the city. He emphasized that had he received such a summons, he would have fully cooperated with the authorities and complied with the requirements.
5. Addressing the issue of his address, the Respondent clarifies that he had relocated from Azadgarh to Ranikuthi but had inadvertently failed to update this information with ICAI at the time. This oversight resulted in communications being sent to his previous address. However, the Respondent subsequently updated his address on the ICAI portal and acknowledged this change in his response letter. The Respondent asserts that he has consistently cooperated with the authorities and responded promptly to all communications from ICAI. This demonstrates his transparency, willingness to engage with the process, and intent to resolve the matter at hand.



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6. Regarding his professional and personal commitments, the Respondent submits that since 2018, he has been residing and working in Bangalore, where his client base is located, while his family resides in Kolkata. As a result, the Respondent's visits to Kolkata were occasional, and he was unaware of any summons or notices issued there.
7. The Respondent brings to the attention of the Hon'ble ICAI that his digital signature and login credentials were allegedly misused by a senior Chartered Accountant, CA Harish K. Gupta, during the period 2013–2015. During this time, the Respondent and CA. Gupta shared office space in an informal arrangement without any written agreement. It has come to light that CA. Gupta used the Respondent's digital signature to file a tax audit report for his client without the Respondent's knowledge or authorization.
8. The Respondent categorically states that he had no knowledge of the fraudulent use of his digital signature and was not involved in any way in conducting the audit or filing the tax audit report for the company in question. He only became aware of this issue upon receiving communication from ICAI. Upon learning of the complaint, the Respondent promptly downloaded the tax audit report from the Income Tax Portal for review and provided all relevant facts to ICAI.
9. In conclusion, the Respondent submits that the allegations against him are baseless and devoid of merit. He requested the Board to dismiss the complaint, as he was neither involved in the alleged misconduct nor had any knowledge of it. The Respondent reiterates his willingness to cooperate fully and provide any further information required to resolve the matter.

OBSERVATIONS OF THE BOARD:

10. Upon reviewing the facts of the case and the submissions made by the Complainant and the Respondent, the Board finds that the Respondent exhibited gross negligence in the handling and safeguarding of his Digital Signature Certificate (DSC). The Respondent admitted to sharing his DSC with another individual, Mr. H. K. Gupta, and acknowledged the possibility of its misuse during the period in question. Despite this admission, the Respondent failed to provide any evidence to support his claim of misuse or to demonstrate that he took any corrective action, such as filing a complaint or revoking the DSC. His inaction and lack of vigilance highlight a serious lapse in professional responsibility.
11. Furthermore, the Respondent failed to appear before the investigating authorities when summoned and neglected to update his registered address with the relevant authorities, thereby obstructing the investigation. The Board finds his defence of being unaware of the misuse to be unsatisfactory, as the responsibility to secure a DSC lies solely with the holder. The Respondent's actions and omissions compromised the integrity of the digital filing system, and no evidence was presented to mitigate his accountability. While the Complainant confirmed no monetary loss to the Government Exchequer, the Respondent's negligence is a violation of professional and Ethical Standards.



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12. In conclusion, the Board holds the Respondent guilty of negligence in safeguarding his DSC and failing to fulfil his professional obligations. This lack of diligence and accountability reflects poorly on the Professional Conduct expected of him and to uphold the integrity of the system.

CONCLUSION:

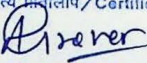
13. Thus, in conclusion, in the considered opinion of the Board the Respondent is **Guilty** of Professional Misconduct falling within the meaning of Clause (2) of Part IV of the First Schedule to the Chartered Accountants Act, 1949.

Sd/-
CA. Rajendra Kumar P
Presiding Officer

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

Date: 25-01-2025

प्रमाणित सत्य प्रतिलिपि / Certified True Copy


अंजू ग्रोवर / ANJU GROVER
सहायक सचिव / Assistant Secretary
अनुशासनात्मक निदेशालय / Disciplinary Directorate
भारतीय सनदी लेखाकार संस्थान
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