



भारतीय सनदी लेखाकार संस्थान

(संसदीय अधिनियम द्वारा स्थापित)

THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA

(Set up by an Act of Parliament)

PR/G/453/2021/DD/110/2022/DC/1830/2023

[DISCIPLINARY COMMITTEE [BENCH-II (2025-2026)]]

[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

[PR/G/453/2021/DD/110/2022/DC/1830/2023]

In the matter of:

Shri. Pradeep Kothari, CEO
M/s Gimpex- Imerys India Pvt. Ltd
Hall No. – 9, Sun Plaza,
Opposite Commerce College,
Mirzapur Road,
Bhuj (Kutch)
Gujarat -370 001.

.....Complainant

Versus

CA. Rajesh Kumar Gupta (M. No. 147453)
A-63/2, Ground Floor,
Besides Asara Café Hotel,
Marble Lane, Vakola Bridge,
Mumbai-400 055.

.....Respondent

Members Present: -

CA. Charanjot Singh Nanda, Presiding Officer (in person)
CMA Chandra Wadhwa, Government Nominee (through video conferencing)
CA. Mahesh Shah, Government Nominee (in person)
CA. Pramod Jain, Member (in person)
CA. Ravi Kumar Patwa, Member (in person)

Date of Hearing : 6th October 2025

Date of Order : 12th November 2025



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1. That vide Findings 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. Rajesh Kumar Gupta (M No. 147453), Mumbai** (hereinafter referred to as the '**Respondent**') is GUILTY of Professional and Other Misconduct falling within the meaning of Item (2) of Part-IV of the First Schedule and Item (1) of Part-II of the 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 him thereby granting opportunity of being heard in person / through video conferencing and to make representation before the Committee on 06th October 2025.
3. The Respondent was present before the Committee on 06th October 2025 in person and made his verbal representation on the Findings of the Disciplinary Committee, inter-alia, stating as under:
 - a. Mere signing of the Employment Form does not mean that he did something unethical.
 - b. To obtain employment in the Complainant Company, he provided hypothetical information that he has worked in the companies as mentioned in the Employment Form.
 - c. There is no evidence that he was in another employment.
 - d. It was in the knowledge of the Complainant Company that he was holding Certificate of Practice during his employment with the said Company.
 - e. He requested the company to pay his salary dues while he resigned from the Company.
4. The Committee also noted that the Respondent in his written representation dated 25th September 2025 on the Findings of the Committee, inter-alia, stated as under:
 - a. He passed CA in March 2012, applied for Certificate of Practice, and obtained it on 17th April 2012, and therefore had been practicing since that date.
 - b. He had taken employment due to financial distress during the COVID period, from 22nd June 2021 to 20th December 2021, only for six months.
 - c. He had already informed at the time of the interview that he was self-employed and practicing and would continue if he found the opportunity suitable. However, after reviewing the company, he found several unethical practices going on. Because of these practices, he changed his mind in October 2021 and decided to resign, due to which he did not consider it necessary to inform the ICAI.
 - d. Thus, the date of employment mentioned in employment letter is hypothetical and not correct as it was Covid period and he was in financial distress.



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- e. Regarding his other employment, he clarified that he was employed only for short periods on a professional basis, as follows:
- (i) M/s Shubham Pharma Chem Pvt Ltd for six months as an internal auditor, from 1st November 2018 to 31st March 2019 (as per Form 26AS, TDS deducted under Section 194J)
- (ii) M/s Jindal Aluminum Ltd for six months in F.Y. 2016-17, as a Tax Advisor.
- f. As far as Videocon Realty and Infra Ltd. is concerned, he was not qualified and did not hold Certificate of Practice.
- g. Article 21 gives right of livelihood which overrides Code of Ethics of ICAI.
- h. Thus, he requested the Committee to review its Findings.
5. The Committee considered the reasoning as contained in the Findings holding the Respondent Guilty of Professional and Other Misconduct vis-à-vis verbal and written representation of the Respondent.
6. As regard the request of the Respondent to review the Findings of the Committee, the Committee was of the view that there is no provision under the Chartered Accountants Act 1949 and/or the Rules framed thereunder to review the Findings arrived at by the Committee. Further, due cognizance of the submissions made/documents brought on record by the parties to the case has already been taken by the Committee before arriving at its Findings in the instant case.
7. Thus, keeping in view the facts and circumstances of the case and material on record including written and verbal representation of the Respondent on the Findings, the Committee noted as under: -
- 7.1 First Charge: (Provided wrong information about him in the Employment Data Form, being in practice and violated term no. 9 of his Appointment Letter): As per ICAI Member records, the Respondent is in full time practice, running a firm in name and style of "M/s Rajesh H Gupta & Co." since 17th April 2012 which is continuing till date. (as verified on the date of proceedings i.e. 28th July 2025). As per copy of Form 16 issued by the Complainant Company for the AY 2022-23, the Respondent was employed with the Company from 21st June 2021 to 7th January 2022. The Committee further noted that the Respondent in his email dated 25th December 2021 addressed to the Authorized Representative of the Complainant Company claimed salary from the Complainant Company till the month of January 2022. The Committee also noted that as per data available and shared by the UDIN Directorate, the Respondent generated UDIN on 10 different occasions during the alleged period in his individual capacity in connection with either Statutory Audit/Concurrent Audit/Certificates.

Thus, the Committee held that the Respondent violated the Term no. 9 of his Appointment letter as he continued to be a Member in full time practice and simultaneously worked as an employee of the Complainant Company in the capacity of General Manager – Accounts and Finance. The Committee was of the view that such misrepresentation by the Respondent not



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only undermines the integrity of the professional but also constitutes a breach of ethical conduct expected of a Chartered Accountant.

Accordingly, the Committee held the Respondent **Guilty** of Other Misconduct falling within the meaning of Item (2) of Part IV of the First Schedule to the Chartered Accountants Act, 1949.

- 7.2 Second Charge: (The Respondent, despite being in practice, joined the job but failed to inform the ICAI about the same): The Committee with respect to the exact period of allegation alleged against the Respondent pertaining to F.Y. 2021-22 (**A.Y. 2022-23**) noted that the Income of his Partnership firm is Rs. 93,170/- and his income as per his personal Income tax Return is Rs. 1,38,500/-. Further, no salary Income was recorded in the ITR-3 of the Respondent. However, as per Form 16 dated 25th June 2022 issued by the Complainant Company to the Respondent for the A.Y. 2022-23, the Committee noted that the Company has paid salary amounting to Rs.6,16,022/- and deducted tax amounting to Rs 12,500/- which proves that the Respondent had drawn salary from the Company also during the alleged period. Furthermore, the Committee observed from the member card of the Respondent that he is in practice and has been issued a Certificate of Practice by Institute of Chartered Accountants of India since 17th April 2012. He is running a firm in name and style of "M/s Rajesh H Gupta & Co." since 17th April 2012 which is continuing till date. Also, as per data available and shared by the UDIN Directorate, the Respondent generated UDIN on 10 different occasions during the alleged period in his individual capacity in connection with either Statutory Audit/Concurrent Audit/Certificates.

- 7.2.1 The Committee thus held that the Respondent was on one hand working in the capacity of employee of the Complainant Company while on the other, he was holding full-time Certificate of Practice performing the Audit and Certification work during the same period in which he was in full-time employment with the Complainant Company. He also held full-time Certificate of Practice since 17th April 2012 despite being employed with various companies simultaneously. Further, as per ICAI Member records, the Respondent did not obtain the specific and prior approval of the Council for full-time or part-time employment in business concerns despite being in full-time practice and thus, violated Regulation 190A of the Chartered Accountant Regulation 1988.

Accordingly, the Committee held the Respondent **Guilty** of Professional Misconduct falling within the meaning of Item (1) of Part II of the Second Schedule to the Chartered Accountants Act, 1949 with respect to the said charge.

- 7.3 Hence, Professional and Other Misconduct falling within the meaning of Item (2) of Part IV of the First Schedule and Item (1) of Part II of the Second Schedule to the Chartered Accountants Act, 1949 on the part of the Respondent is clearly established as held in the Committee's Findings dated 21st September 2025 which is to be read in consonance with the instant Order being passed in the case.

8. Accordingly, the Committee was of the view that ends of justice will be met if punishment is given to the Respondent in commensurate with his Professional and Other Misconduct.



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9. Thus, the Committee, keeping in view the facts and circumstances of the case, material on record and representation of the Respondent before it, ordered that name of CA. Rajesh Kumar Gupta (M.No.147453), Mumbai be removed from the Register of Members for a period of 06 (Six) Months and also imposed a Fine of Rs. 50,000/- (Rupees Fifty Thousand only) upon him payable within a period of 60 days from the date of receipt of the Order.
10. Further, during the course of his representation, the Respondent conducted himself in a manner, amounting to discourtesy towards the Disciplinary Committee over which the Committee expressed its displeasure.

Sd/-

(CA. CHARANJOT SINGH NANDA)
PRESIDING OFFICER

Sd/-

(CMA. CHANDRA WADHWA)
GOVERNMENT NOMINEE

Sd/-

(CA. MAHESH SHAH)
GOVERNMENT NOMINEE

Sd/-

(CA. PRAMOD JAIN)
MEMBER

Sd/-

(CA. RAVI KUMAR PATWA)
MEMBER

सत्यापित होने के लिए प्रमाणित / Certified to be True Copy

A Grover

अंजू ग्रोवर / Anju Grover

सहायक सचिव / Assistant Secretary

अनुशासनमूलक निदेशालय / Disciplinary Directorate

भारतीय सनदी लेखाकार संस्थान

The Institute of Chartered Accountants of India

आई.सी.ए.आई. भवन, सी-1, सेक्टर-1, नोएडा-201301 (उ.प्र.)

ICAI Bhawan C-1, Sector-1, Noida-201301 (U.P.)

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सहकार्य / Assistant Secretary
प्रशासनिक प्रशासन / Administrative Secretary
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सहकार्य / Assistant Secretary
प्रशासनिक प्रशासन / Administrative Secretary

CONFIDENTIAL

DISCIPLINARY COMMITTEE [BENCH – II (2025-26)]
[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

Ref. No. [PR/G/453/2021/DD/110/2022/DC/1830/2023]

In the matter of:

Shri. Pradeep Kothari, CEO
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Hall No. – 9, Sun Plaza,
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Versus

CA. Rajesh Kumar Gupta (M No. 147453)
A-63/2, Ground Floor,
Besides Asara Café Hotel,
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...Respondent

MEMBERS PRESENT (in person):

CA. Charanjot Singh Nanda, Presiding Officer
CMA Chandra Wadhwa, Government Nominee
CA. Mahesh Shah, Government Nominee
CA. Pramod Jain, Member
CA. Ravi Kumar Patwa, Member

Date of Final Hearing: 28th July 2025

PARTIES PRESENT(through video conferencing):

Authorized Representative of the Complainant: Mr. Jaydipsinh P. Jadeja, Senior Manager, Administration and PR

Respondent: CA. Rajesh Kumar Gupta (M No. 147453)

1. **BACKGROUND OF THE CASE:**

- 1.1 In the extant case, the Complainant is reported to be the Chief Executive Officer of M/s. **Gimpex Imerys India Pvt. Ltd.** (hereinafter referred to as the "**Company**").
- 1.2 It is stated that the Respondent being a practicing Chartered Accountant, was appointed as the General Manager – Accounts and Finance by the Company on 21.06.2021.

2. **CHARGES IN BRIEF:**

S.No.	Charge(s)	Prima Facie Opinion of the Director (Discipline)	Applicable Item of the Schedule to the Chartered Accountants Act 1949
1.	Provided wrong information about him in the Employment Data Form, being in practice and violated term no. 9 of his Appointment Letter.	Guilty	Item (2) of Part-IV of the First Schedule
2.	The Respondent despite being in practice, joined the job but failed to inform the ICAI about the same.	Guilty	Item (1) of Part-II of the Second Schedule

3. **THE RELEVANT ISSUES DISCUSSED IN THE PRIMA FACIE OPINION DATED 27TH SEPTEMBER 2023 FORMULATED BY THE DIRECTOR (DISCIPLINE) IN THE MATTER IN BRIEF, ARE GIVEN BELOW: -**

3.1 **With respect to first charge that the Respondent has provided wrong information about him, being in practice and violated Term no. 9 of his Appointment Letter:**

- 3.1.1 On perusal of the Appointment letter dated 22.06.2021, it was seen that the Respondent was appointed as General Manager – Accounts & Finance of the Company w.e.f. 21.06.2021.
- 3.1.2 It is further seen that the Complainant also brought on record an Employment Data Form being filled out and furnished by the Respondent containing various detailed particulars about himself. The Respondent in his Written Statement also stated that he had not hidden any fact regarding him being in practice which was seen from particulars furnished by him on page no 3 of the Employment data Form submitted by him to the Company at the time of his appointment.
- 3.1.3 On perusal of page 3 of the Employment data Form filled by the Respondent it is seen that the Respondent under point 3 has provided the details of his membership in professional bodies/ institutions wherein he has mentioned: "ICAI" under column of Institute/ Organization and "Professional" under the column of "Type of Membership". In the said

Form, the Respondent also provided the details of his "Employment History" wherein he mentioned that he is currently in "Self-Practice".

- 3.1.4 However, Para 9 of terms & conditions of his appointment clearly states that during the course of his employment, he shall not engage himself in any private trade, business and/or employment either directly or indirectly and either full time or part time, either with or without remuneration, either as employer or employee or as partner or advisor or in any other category with any other individual, firm or company.
- 3.1.5 Once a person has joined an employment, he is bound by the terms and conditions of his employment agreed between him and his employer and hence the contention of Respondent that since he had disclosed about him being in practice at the time of joining, permits himself to continue his practice along with the said employment does not stand making him Prima Facie Guilty of Other Misconduct within the meaning of Item (2) of Part IV of the First Schedule to the Chartered Accountant Act 1949.
- 3.2 **With respect to second charge that the Respondent despite being in practice, joined the job but failed to inform the ICAI:**
- 3.2.1 The Respondent is a practicing Chartered Accountant holding Certificate of Practice continuously since 17.04.2012. He submitted his resignation only on 13.12.2021 i.e., after almost 6 months of his joining.
- 3.2.2 From his own declaration as mentioned in the Employment Data Form it was also seen that prior to his employment in the subject Company and during the course of holding Certificate of Practice dated 17.04.2012, he was also employed with some other Company namely Shubham Pharmachem Pvt Ltd from November 2015 to March 2019 and Jindal Aluminum Ltd from August 2011 till October 2015. However, from the member's record, it was seen that he had not intimated about his previous employment to ICAI.
- 3.2.3 Regulation 190A of the Chartered Accountant Regulation 1988 and Appendix "H" of the Code of Ethics (Revision 2020) provides a practicing Chartered Accountant to obtain a specific permission of the Council whenever he has to join Full time or Part time employment in a business or a non-business concern. But it is seen that the Respondent has not brought any documentary evidence to prove that he has obtained any prior permission of the Council.
- 3.2.4 In the instant case, it was seen from the terms of appointment that the Respondent was employed with the Company on a salary-cum-full time basis despite holding a Certificate of Practice. It is further seen that Appendix "H" of the Code of Ethics (Rev 2020) provides a practicing Chartered Accountant to obtain a specific permission of the Council whenever he has to join Full time or Part time employment in a business or a non-business concern. But, it is seen that the Respondent has not brought on record any documentary evidence to prove that he has obtained any prior permission of the Council, making him Prima Facie

Guilty of Professional Misconduct falling under Item (1) of Part II of the Second Schedule to the Chartered Accountant Act 1949.

- 3.3 Accordingly, the Director (Discipline) in his Prima Facie Opinion held the Respondent GUILTY of Professional and Other Misconduct falling within the meaning of Item (2) of Part IV of the First Schedule and Item (1) of Part II of the Second Schedule to the Chartered Accountants Act, 1949. The said Item(s) of the Schedule to the Act, state as under:

"Item (2) of Part IV of the First Schedule:

Other misconduct in relation to members of the Institute generally:

A member of the Institute, whether in practice or not, shall be deemed to be guilty of other misconduct, if he—

x x x x x x x x x x

2) in the opinion of the Council, brings disrepute to the profession or the Institute as a result of his action whether or not related to his professional work.

Item (1) of Part II of Second Schedule:

Professional misconduct in relation to members of the Institute generally

A member of the Institute, whether in practice or not, shall be deemed to be guilty of professional misconduct, if he—

(1) contravenes any of the provisions of this Act or the regulations made thereunder or any Guidelines issued by the Council;"

- 3.4 The Prima Facie Opinion formed by the Director (Discipline) was considered by the Disciplinary Committee at its meeting held on 31st October 2023. The Committee on consideration of the same, concurred with the reasons given against the charge(s) and thus, agreed with the Prima Facie opinion of the Director (Discipline) that the Respondent is **GUILTY** of Professional and Other Misconduct falling within the meaning of Item (2) of Part IV of the First Schedule and Item (1) of Part II of Second Schedule to the Chartered Accountants Act, 1949 and accordingly, decided to proceed further under Chapter V of the Chartered Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007.

4. DATE(S) OF WRITTEN SUBMISSIONS/PLEADINGS BY PARTIES:

- 4.1 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	15 th February 2022
2.	Date of Written Statement filed by the Respondent	13 th April 2022

3.	Date of Rejoinder filed by the Complainant	5 th May 2022
4.	Date of Prima Facie Opinion Formed by Director (Discipline)	27 th September 2023
5.	Written Submissions by the Respondent after Prima Facie Opinion	04 th January 2024, 26 th November 2024, 10 th July 2025, 21 st July 2025, 22 nd July 2025, 25 th July 2025, and 28 th July 2025
6.	Written Submissions filed by the Complainant after Prima Facie Opinion	9 th February 2024, 21 st July, 2025

5. WRITTEN SUBMISSIONS FILED BY THE RESPONDENT:

5.1 The Respondent vide letter dated 4th January 2024 and 26th November 2024, inter-alia, submitted as under:-

- (a) The status of being in practice was explicitly mentioned in the Employment Application Form.
- (b) He signed the Employment Form subject to the condition that he shall continue and intimate to ICAI only after he found it suitable after few months. It was only on professional basis.
- (c) He resigned from the Company in January 2022 due to unethical conduct of the Complainant including misappropriation of cash sales and receipt of unauthorized commissions from buyers.
- (d) The employment was taken up during the COVID period due to financial distress.

5.2 In response to the Committee's direction given at its meeting held on 09th July 2025, the Respondent, vide email dated 10th July 2025, furnished the following documents:

- (a) Income Tax Return of his firm for 6 Years from A.Y 2019-20 to 2024-25
- (b) Bank Statement of his firm from 2016-17 to 2023-24 for 8 years

5.3 The Respondent vide communication dated 21st July 2025, made counter allegations on the Complainant Company which, inter-alia, are as under:

- (a) He handed over all the documents including laptop on 20th December 2021 and even after handing over he was denied an entry in the office and his salary was not paid.

- (b) The company has violated section 269 ST of Income Tax Act 1961 wherein the Company sold scrap amounting to Rs. 2,60,000/- and the sale proceeds were received in cash which is also not recorded in the books of accounts.
 - (c) The Company was involved in total unethical practices, which was the main reason for the company suffering loss.
 - (d) The company has not paid December and January monthly salary amounting to Rs. 3,54,263/-.
 - (e) As the company was involved in unethical practices, he left the Company and resigned.
- 5.4 The Respondent vide email dated 22nd July 2025, reiterated the submissions made by him earlier.
- 5.5 Since instead of his personal Income Tax Returns for the desired period, the Respondent submitted his firm's Income Tax Returns, an intimation was sent to the Respondent vide email dated 25th July 2025 to re-submit the required documents. Thereafter, the Respondent vide email dated 25th July 2025 submitted his response. Since the Respondent had only submitted acknowledgement of his personal Income Tax Returns for the desired period, an intimation was again sent vide email dated 28th July 2025 requesting submission of complete set of Income Tax Return along with computation for the desired years. Subsequently, the Respondent provided the desired documents vide email dated 28th July 2025.

6. **WRITTEN SUBMISSIONS FILED BY THE COMPLAINANT:**

- 6.1 The Complainant vide letter dated 9th February 2024 informed that he had submitted all the documents/ evidence in the instant matter.
- 6.2 The Complainant, rebutting the submissions of the Respondent, vide email dated 21st July 2025, inter-alia, submitted as under:

- (a) The Company has paid salary in Respondent's following Savings account:

Account Holder Name	Rajesh Kumar Gupta
Bank Name & Address	Axis Bank, Lokhandwala, Andheri, Mumbai.
Bank Account No:	918010080908893

- (b) The Respondent demanded his salary from the Company vide email dated 25th December 2021 which means that he accepts that he was in employment.

- (c) The Respondent had also sent a Legal Notice to the Company dated 03rd February 2022 and claimed his salary which proves that he had worked as an employee of the Company.

7. BRIEF FACTS OF THE PROCEEDINGS:

- 7.1 The details of the hearing(s) fixed and held/adjourned in said case is given as under:

S. No.	Particulars	Date of meeting(s)	Status
1.	1 st Hearing	28.05.2024	Part heard and adjourned
2.	2 nd Hearing	09.07.2025	Part Heard and Adjourned with directions
3.	3 rd Hearing	28.07.2025	Concluded and Decision taken on the conduct of the Respondent.

- 7.1.1 During the first hearing held in the case on 28th May 2024, the Committee noted that the Complainant was not present before it. The Committee further noted that the Respondent was present via video conferencing. Being first hearing of the case, the Respondent was put on Oath. Thereafter, the Committee enquired from the Respondent as to whether he was aware of the charge(s) alleged against him to which he replied in the affirmative. However, he pleaded Not Guilty to the charge(s) levelled against him. The Committee, looking into the fact that this was the first hearing, decided to adjourn the hearing in the case to a future date. With this, the hearing in the case was part heard and adjourned
- 7.1.2 Thereafter, on the day of Second hearing held in the case on 09th July 2025, the Committee noted that the Authorized representative of the Complainant was present before it through video conferencing and the Respondent was present before it in person. Since there had been a change in the composition of the Committee subsequent to the last hearing held in the case on 28th May 2024, the change was duly intimated to the Authorized Representative of the Complainant and the Respondent who were present before the Committee and were given an option of de-novo. The parties to the case affirmed to continue with the proceedings in the case. Thereafter, on being asked by the Committee to further substantiate their case, the authorized representative of the Complainant informed that the Respondent was already associated and was in service with various Companies even though he was holding full time Certificate of Practice.
- 7.1.3 Subsequently, the Respondent presented his line of defense, inter-alia, reiterating the written submissions made by him on the Prima Facie Opinion that he was engaged only for a short duration of 2 months with the Company and that too during Covid-19 pandemic period. He was earlier associated with different Companies on assignment basis. He classified his earnings as business income in the return of income. He affirmed that his firm did not do any work during the period in which he was in employment with the Company. On consideration of the submissions made, the Committee posed certain

questions to the authorized representative of the Complainant and the Respondent which were responded to by them.

7.1.4 Thus, on consideration of the submissions and documents on record, the Committee directed the Respondent to provide the following within next 5 days with a copy to the Complainant to provide his comments thereon, if any: -

- (a) Copy of his Income Tax Returns filed by him for last 10 years.
- (b) Copy of Bank Statement of his CA firm for last 10 years.

The Committee also directed the office to seek details from the UDIN Directorate as to the number of UDINs generated by him during the alleged period. With the above, the hearing in the case was part heard and adjourned.

7.1.5 The Committee noted that in compliance of the aforesaid direction, the Respondent vide email dated 10th July 2025 followed by email dated 21st July 2025, 25th July 2025 and 28th July 2025 submitted his response. The Complainant vide email dated 21st July 2025 made his counter submissions on the same. Further, vide email dated 24th July 2025, details of Unique Document Identification Numbers (UDINs) generated by the Respondent during the financial years 2020-21, 2021-22 and 2022-23 was sought from the UDIN Directorate which vide email of even date provided its response.

7.1.6 Thereafter, on the day of third hearing held in the case on 28th July 2025, the Committee noted that the Authorized representative of the Complainant and the Respondent was present before it through video conferencing.

7.1.7 On consideration of the submissions made, the Committee posed certain questions to the authorized representative of the Complainant and the Respondent which were responded to by them respectively.

7.1.8 Thereafter, the Committee, on consideration of the documents on record and the oral and written submissions of the parties to the case vis-à-vis facts of the case, concluded the hearing in the case and decided on the conduct of the Respondent.

8. FINDINGS OF THE COMMITTEE: -

8.1 At the outset, the Committee noted that 2 charges had been levied by the Complainant against the Respondent. On consideration of the documents on record and the oral and written submissions of the parties to the case vis-à-vis facts of the case, the Committee arrived at the following charge wise view on the conduct of the Respondent:

8.1.1 **First Charge – The Respondent has provided wrong information about him in the Employment Data Form, being in practice and violated Term no. 9 of his Appointment Letter:**

- 8.1.2 With respect to first charge, the Committee perused the copy of the Appointment letter dated 22nd June 2021 issued by the Complainant Company to the Respondent for appointment to the post of General Manager – Accounts and Finance and noted that the same had duly been accepted by the Respondent categorically stating therein that his appointment shall commence from the date of his joining i.e. 21st June 2021.
- 8.1.3 The Committee further noted that as per the Employment Data Form signed by the Respondent as on 21st June 2021, the Respondent was in self-practice since May 2019 till the date of his appointment. He also stated in the said Employment Data Form that he has been in employment with different companies since July 2006 as stated hereunder:

Name and Location of Employer	Period of service		Designation
	From	To	
Shubham Pharmachem Pvt. Ltd.	November 2015	March 2019	H.O.D. Finance
Jindal Aluminum Limited	April 2011	October 2015	Taxation Manager
Videocon Realty and Infra Limited	August 2008	March 2011	Deputy Accounts Manager
HCC Limited	July 2006	July 2008	Manager Accounts

- 8.1.4 However, as per ICAI Member records, the Respondent is in full time practice, running a firm in name and style of "M/s Rajesh H Gupta & Co." since 17th April 2012 which is continuing till date. (as verified on the date of proceedings i.e. 28th July 2025)
- 8.1.5 Thus, the Committee held that the Respondent has provided wrong information about him in the Employment Data Form, as he was in practice since April 2012 and not May 2019 as stated in the said Form.
- 8.1.6 The Committee also noted that as per copy of Form 16 issued by the Complainant Company for the AY 2022-23, the Respondent was employed with the Company from 21st June 2021 to 7th January 2022. The Committee further noted that the Respondent in his email dated 25th December 2021 addressed to the Authorized Representative of the Complainant Company claimed salary from the Complainant Company till the month of January 2022.
- 8.1.7 The Committee also noted that as per data available and shared by the UDIN Directorate, the Respondent generated UDIN on 10 different occasions during the alleged period in his individual capacity in connection with either Statutory Audit/Concurrent Audit/Certificates as stated hereunder:

S. No.	MRN	Name	FRN	Document Type	Document Sub Type	Document Date	Status	Create Date/Time
1	147453	Rajesh Kumar Gupta	NA/ Individual Capacity	Audit and Assurance Functions	Concurrent Audit	14-07-2021	Active	14-07-2021 14:02
2	147453	Rajesh Kumar Gupta	NA/ Individual Capacity	Audit and Assurance Functions	Concurrent Audit	11-08-2021	Active	11-08-2021 14:58
3	147453	Rajesh Kumar Gupta	NA/ Individual Capacity	Audit and Assurance Functions	Statutory Audit - Corporate	09-09-2021	Active	09-09-2021 09:41
4	147453	Rajesh Kumar Gupta	NA/ Individual Capacity	Audit and Assurance Functions	Concurrent Audit	15-09-2021	Active	15-09-2021 09:08
5	147453	Rajesh Kumar Gupta	NA/ Individual Capacity	Audit and Assurance Functions	Concurrent Audit	09-10-2021	Active	09-10-2021 14:23
6	147453	Rajesh Kumar Gupta	NA/ Individual Capacity	Certificates	Others	14-10-2021	Active	14-10-2021 11:02
7	147453	Rajesh Kumar Gupta	NA/ Individual Capacity	Audit and Assurance Functions	Concurrent Audit	10-11-2021	Active	10-11-2021 09:19
8	147453	Rajesh Kumar Gupta	NA/ Individual Capacity	Certificates	Others	10-12-2021	Active	10-12-2021 18:31
9	147453	Rajesh Kumar Gupta	NA/ Individual Capacity	Audit and Assurance Functions	Concurrent Audit	11-12-2021	Active	11-12-2021 15:43
10	147453	Rajesh Kumar Gupta	NA/ Individual Capacity	Audit and Assurance Functions	Concurrent Audit	06-01-2022	Active	06-01-2022 15:09

8.1.8 The Committee also noted that Term no. 9 of the Respondent's Appointment Letter dated 22nd June 2021 specifically provided as under:

"9. You shall not engage yourself in any private trade, business and/or employment either directly or indirectly, either full time or part time either with or without remuneration, either as employer or employee, either as partner or advisor or in any other category with any other individual, firm or company as long as you are in the employment of this organization."

8.1.9 In view of the aforesaid observations, the Committee held that the Respondent violated the Term no. 9 of his Appointment letter as he continued to be a Member in full time

practice and simultaneously worked as an employee of the Complainant Company in the capacity of General Manager – Accounts and Finance.

8.1.10 Thus, the Committee was of the view that such misrepresentation by the Respondent not only undermines the integrity of the professional but also constitutes a breach of ethical conduct expected of a Chartered Accountant. Accordingly, the Committee held the Respondent **Guilty** of Other Misconduct falling within the meaning of Item (2) of Part IV of the First Schedule to the Chartered Accountants Act, 1949.

8.2 Second Charge- The Respondent despite being in practice, joined the job but failed to inform the ICAI about the same:

8.2.1 With regard to second charge, the Committee noted that the Respondent had joined the Complainant Company as General Manager – Accounts and Finance on 21st June 2021 and continued to hold the said post till 7th January 2022 while holding a full time Certificate of Practice since 17th April 2012.

8.2.2 The Committee on perusal of the computation of income for Respondent's Partnership Firm i.e. M/s Rajesh H Gupta & Co. for 6 years (AY 2019-20, 2020-21, 2021-22, 2022-23, 2023-24, 2024-25) brought on record by the Respondent observed as follows:

Particulars	Total Income of Partnership firm
AY 2024-25 (No Computation of Income provided)	2,95,230/-
AY 2023-24	1,84,680/-
AY 2022-23	93,170/-
AY 2021-22	21,170/-
AY 2020-21	1,74,590/-
AY 2019-20	Nil

8.2.3 The Committee also noted that as per the personal Income Tax Return(s) of the Respondent (to the extent made available by the Respondent), the Respondent was having business income since AY 2019-20 to AY 2024-25. He also reported as having salary income in AY 2019-20. The specific details are stated hereunder:

Particulars	Amount (Rs.) for different Assessment Years									
	2024-25	2023-24	2022-23	2021-22	2020-21	2019-20	2018-19 (GTI break-up not provided)	2017-18 (GTI break-up not provided)	2016-17 (GTI break-up not provided)	2015-16 (GTI break-up not provided)
Income from Salary	--	--	--	--	--	10,000	--	--	--	--
Income from House Property		(2,00,000)	(2,00,000)	(2,00,000)	(2,00,000)	(2,00,000)	--	--	--	--
Profit & Gains from Business/Pr	6,92,300	7,03,148	4,81,424	8,12,967	4,81,647	9,99,585	--	--	--	--

Profession (PGBP)										
Income from Other Sources (IFOS)	677	--	201	210	--	--	--	--	--	--
Deductions under Chapter VI-A	--	49,834	1,43,121	1,23,802	--	1,61,210	--	--	--	--
Total Income (TI)	6,92,980	4,53,310	1,38,500/-	4,89,380/-	2,81,650/-	8,09,585/-	2,42,856/-	2,35,335/-	6,69,376/-	2,64,812/-

8.2.4 Thus, the Committee with respect to the exact period of allegation alleged against the Respondent pertaining to F.Y. 2021-22 (A.Y. 2022-23) noted that the Income of his Partnership firm is Rs. 93,170/- and his income as per his personal Income tax Return is Rs. 1,38,500/-. The breakup of his total income of Rs. 1,38,500/- is as follows:

Particulars (AY 2022-23)	Amount
Income from House Property	-2,00,000
Profits and gains of Business or Profession	4,81,424
Income from other sources	201
Gross Total Income	2,81,625
Deductions under Chapter VI-A	1,43,121
Total Income	1,38,504

8.2.5 The Committee on perusal of the above computation observed that no salary Income was recorded in the ITR-3 of the Respondent. However, as per Form 16 dated 25th June 2022 issued by the Complainant Company to the Respondent for the A.Y. 2022-23, the Committee noted that the Company has paid salary amounting to Rs.6,16,022/- and deducted tax amounting to Rs 12,500/- which proves that the Respondent had drawn salary from the Company also during the alleged period. However, no salary income was reported by the Respondent in his Income Tax return for AY 2022-23.

8.2.6 The Committee also noted that as per the Employment Data Form signed by the Respondent, he was employed with different Companies since July 2006 till May 2019 in different managerial capacities as stated hereunder:

Name and Location of Employer	Period of service		Designation
	From	To	
Shubham Pharmachem Pvt. Ltd.	November 2015	March 2019	H.O.D. Finance
Jindal Aluminum Limited	April 2011	October 2015	Taxation Manager
Videocon Realty and Infra Limited	August 2008	March 2011	Deputy Accounts Manager
HCC Limited	July 2006	July 2008	Manager Accounts

The Respondent also did not bring on record any evidence to substantiate his claim that he was associated with different Companies on an assignment basis.

- 8.2.7 Furthermore, the Committee observed from the member card of the Respondent that he is running a firm in name and style of "M/s Rajesh H Gupta & Co." since 17th April 2012 which is continuing till date. Further, the firm card also crystallizes the fact that the Respondent is in practice and has been issued a Certificate of Practice by Institute of Chartered Accountants of India since 17th April 2012.
- 8.2.8 The Committee further noted that as per data available and shared by the UDIN Directorate, the Respondent generated UDIN on 10 different occasions during the alleged period in his individual capacity in connection with either Statutory Audit/Concurrent Audit/Certificates (as stated in Para 8.1.7 above).
- 8.2.9 The Committee thus held that the Respondent was on one hand working in the capacity of employee of the Complainant Company while on the other, he was holding full-time Certificate of Practice performing the Audit and Certification work during the same period in which he was in full-time employment with the Complainant Company. He also held full-time Certificate of Practice since 17th April 2012 despite being employed with various companies simultaneously.
- 8.2.10 The Committee observed that Regulation 190A of the Chartered Accountant Regulation 1988 provides as under:

"Regulation 190A: A Chartered Accountant in practice shall not engage in any business or occupation other than the profession of accountancy except with the permission granted in accordance with resolution of the Council."

The permissible categories of engagements approved by the Council under Regulation 190A, are available in Appendix No.9 to the Chartered Accountants Regulations, 1988 which provides as under:

"(B) Members of Institute in practice may engage in the following categories of business or occupations, after obtaining the specific and prior approval of the Council in each case:

1. Full time or part time employment in business concerns provided that the member and/or his relatives do not hold substantial interest in such concerns."

- 8.2.11 The Committee noted that as per ICAI Member records, the Respondent did not obtain the specific and prior approval of the Council for full-time or part-time employment in business concerns despite being in full-time practice and thus, violated Regulation 190A of the Chartered Accountant Regulation 1988.

- 8.2.12 Accordingly, the Committee held the Respondent **Guilty** of Professional Misconduct falling within the meaning of Item (1) of Part II of the Second Schedule to the Chartered Accountants Act, 1949.

9. **CONCLUSION:**

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

CHARGES (AS PER PFO)	FINDINGS	DECISION OF THE COMMITTEE
S.no. 1 of Para 2 as above	Para 8.1.2 to Para 8.1.10 as above	Guilty- Item (2) of Part IV of the First Schedule
S.no 2 of Para 2 as above	Para 8.2.1 to Para 8.2.12 as above	Guilty- Item (1) of Part II of the Second Schedule

10. In view of the above observations, considering the oral and written submissions and material on record, the Committee held the Respondent **GUILTY** of Professional and Other Misconduct falling within the meaning of Item (2) of Part IV of the First Schedule and Item (1) of Part II of Second Schedule to the Chartered Accountants Act, 1949.

Sd/-
(CA. CHARANJOT SINGH NANDA)
PRESIDING OFFICER

Sd/-
(CMA. CHANDRA WADHWA)
(GOVERNMENT NOMINEE)

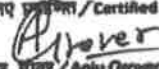
Sd/-
(CA. MAHESH SHAH)
(GOVERNMENT NOMINEE)

Sd/-
(CA. PRAMOD JAIN)
(MEMBER)

Sd/-
(CA. RAVI KUMAR PATWA)
(MEMBER)

DATE: 21.09.2025
PLACE: NEW DELHI

सत्यापित होने के लिए प्रमाणित / Certified to be True Copy


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अनुशासनपरक निर्देशालय / Disciplinary Directorate
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