

**BOARD OF DISCIPLINE**

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

**FINDINGS OF THE BOARD OF DISCIPLINE UNDER RULE 14 (9) READ WITH 15 (2) OF THE CHARTERED ACCOUNTANTS (PROCEDURE OF INVESTIGATIONS OF PROFESSIONAL AND OTHER MISCONDUCT AND CONDUCT OF CASES) RULES, 2007****CORAM: (PRESENT IN PERSON):**

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

**IN THE MATTER OF:**

CA. Makarand Narayan Joshi (M. No. 107605)

344-A, Yadogopal Peth

Guruprasad Apartments

Satara.....Complainant

Versus

CA. Sarang Satish Kolhapure (M. No. 127080)

509-A, Camp

Opposite Radhika Nursing Home

Satara.....Respondent

Date of Final Hearing : 04<sup>th</sup> November 2025

Place of Final Hearing : ICAI Tower, Mumbai

**PARTY PRESENT (IN PERSON):**

Complainant	:	CA. Makarand Narayan Joshi
Counsel for Complainant	:	Shri S. G. Gokhle, Advocate
Respondent	:	CA. Sarang Satish Kolhapure
Counsel for Respondent	:	CA. Sashi Kant Barve
Witness No. 1	:	CA. Reshma R. Jadhav
Witness No. 2	:	CA. Pravina Oswal
Witness No. 3	:	CA. S. N. Godbole

**FINDINGS:****BACKGROUND OF THE CASE:**

1. The present case arises out of the elections for the Managing Committee of the Satara Branch of the Western India Regional Council (WIRC) of the Institute of Chartered Accountants of India (ICAI) for the term 2016-2019, which were scheduled to be held on 06<sup>th</sup> February 2016. The Respondent, CA. Sarang Satish Kolhapure was appointed as the Returning Officer for the said elections. As per the election schedule, the last date and time for receipt of nominations was fixed as 25<sup>th</sup> January 2016 up to 6:00 PM and the last

date and time for withdrawal of nominations was fixed as 29<sup>th</sup> January 2016 up to 6:00 PM. A total of 14 valid nominations were received before the stipulated deadline of 25<sup>th</sup> January 2016.

2. It is the case of the Complainant, CA. Makarand Narayan Joshi that the Respondent, in his capacity as Returning Officer, failed to conduct the election in a fair and impartial manner. It has been alleged that the Respondent acted under the influence of a particular group of candidates and attempted to manipulate the election process so that certain individuals could be elected unopposed. The Complainant has further alleged that the Respondent personally contacted some candidates over the phone and pressurized them to withdraw their nominations. It is also stated that on 29<sup>th</sup> January 2016, the Respondent sent withdrawal forms by email from the branch office to two candidates (i) CA. Shirish Godbole at 8:30 PM and (ii) CA. Pravina Oswal at 7:38 PM, which was after the prescribed withdrawal deadline of 6:00 PM.
3. According to the Complainant, while CA. Pravina Oswal submitted her withdrawal form via email at 10:58 PM., well beyond the prescribed cut-off time, CA. Shirish Godbole did not withdraw his nomination at all. Despite this, the Respondent, acting as Returning Officer, displayed at 8:45 PM on 29<sup>th</sup> January 2016, the final list of only six candidates the same number as the available seats and declared them elected unopposed, thereby, excluding the names of the aforesaid two candidates.
4. Subsequently, the Complainant submitted a petition before the Institute of Chartered Accountants of India on 25<sup>th</sup> February 2016, highlighting the alleged irregularities in the conduct of the said election. Pursuant to this, the Institute directed that an examination of the election process be undertaken. Thereafter, a meeting of the candidates was convened by the then Branch Chairman (2015-16) on 26<sup>th</sup> March 2016 at 4:00 PM at the branch office, during which the envelope containing the withdrawal forms was opened in the presence of the candidates. Upon examination, it was found that there was no withdrawal form submitted by CA. Shirish Godbole. Consequently, the election process was declared invalid, and fresh elections were subsequently held on 20<sup>th</sup> May 2016.

#### **CHARGES ALLEGED:**

5. It is alleged that the Respondent, as a Returning Officer, had failed to conduct the elections of Managing Committee of Satara Branch of Western India Regional Council (WIRC) of the Institute of Chartered Accountant of India (ICAI) for the period from 2016-2019 in a transparent and impartial manner.

#### **BRIEF OF PROCEEDINGS HELD:**

6. The details of the hearing fixed and held in the instant matter are given as below:

S. No.	Date of Hearing	Status of hearing
1.	30 <sup>th</sup> July 2025	Part heard and adjourned.
2.	04 <sup>th</sup> November 2025	Matter Heard and Concluded.

#### **BRIEF SUBMISSIONS OF THE PARTIES:**

7. The Respondent, vide letter dated 21<sup>st</sup> March 2025, submitted his Written Statement against the Prima Facie Opinion issued by the Director (Discipline). He contended that the Prima Facie Opinion was not a reasoned or "speaking" order, as it failed to address his preliminary objections that questioned the very maintainability of the complaint. The

Respondent stated that these objections were fundamental and should have been adjudicated before forming any view on the merits. He argued that the Director (Discipline) ought to have first determined whether the complaint was legally sustainable, instead of proceeding further. The Respondent emphasized that the proceedings initiated against him lacked procedural fairness and violated the principles of natural justice.

8. The Respondent further submitted that his role as Returning Officer for the Satarā Branch elections of ICAI was carried out in good faith and within the scope of the authority granted to him. He pointed out that neither the Chartered Accountants Act, 1949, nor the Regulations or Guidelines prescribe any binding or specific procedure for conducting branch elections. In the absence of such directions, he followed a fair and reasonable process suitable to the circumstances, without contravening any law or guideline. He asserted that his actions were bona fide and aimed at ensuring smooth elections. The Respondent also raised the issue of locus standi, arguing that the Complainant had no authority to file the complaint in his individual capacity while relying on official branch documents. If the complaint was filed in his official capacity, the Respondent argued that it lacked authorization from the Managing Committee; if not, it involved unauthorized use of Branch records.
9. The Respondent also highlighted the significant delay in the disciplinary process, arguing that it rendered the proceedings unjust and irrelevant. He submitted that the alleged incident took place in January 2016, while the complaint was filed in February 2018, and the Prima Facie Opinion was formed only in July 2024 and communicated in December 2024 an unreasonable gap of over eight years. He contended that this delay caused prejudice to his defense, particularly since three subsequent elections had already been conducted in the intervening period. He further stated that the factual position had already been clarified in his letter dated 05<sup>th</sup> March 2016, which was submitted to ICAI soon after the event, but that the Director (Discipline) failed to consider this vital piece of evidence while forming the Prima Facie Opinion.
10. In response, the Complainant, vide email dated 10<sup>th</sup> May 2025, filed his rejoinder, strongly refuting the objections raised by the Respondent. He maintained that the complaint was fully maintainable under the Chartered Accountants Act, 1949; and that the Director (Discipline) had complete authority to proceed under Sections 21 and 22. The Complainant clarified that the protection under Section 30D of the Act was not available to the Respondent in his capacity as a Returning Officer, as that position is not covered under the said provision. Even if such protection were to be considered, it would only apply to actions taken in good faith, which, according to him, was clearly not the case here. He further stated that the delay in the proceedings was not attributable to him but resulted from ICAI's inaction on his earlier representations, which compelled him to formally approach the Disciplinary Directorate.
11. The Complainant further contended that the Respondent's procedural lapses were serious enough to warrant disciplinary action. He argued that the annulment of the election and the subsequent re-election proved that irregularities had indeed occurred, demonstrating a failure of due diligence and transparency. He also refuted the Respondent's claim that Clause (2) of Part IV of the First Schedule could not be invoked without the Council's prior opinion, stating that after the 2006 amendments, the Director (Discipline) was fully empowered to form a Prima Facie Opinion, as upheld by various Appellate Authority rulings. The Complainant concluded that the Director (Discipline) had rightly found the Respondent's conduct to be lacking in fairness and transparency, amounting to professional misconduct. He urged that strict action be taken to uphold the dignity and integrity of the profession, as mere re-election did not constitute adequate redress for the loss of public confidence caused by the Respondent's actions.

**OBSERVATIONS OF THE BOARD:**

12. After carefully examining the submissions made by both the Complainant and the Respondent, as well as considering the depositions of the witnesses and the documentary evidence placed on record, the Board noted that the primary allegation in the complaint is that the Respondent, while acting as the Returning Officer for the elections of the Managing Committee of the Satara Branch of WIRC of ICAI for the term 2016–2019, failed to conduct the election in a fair and transparent manner. The Complainant contended that the Respondent improperly accepted the withdrawal of two candidates, namely CA. Pravina Oswal and CA. S. N. Godbole, without proper written confirmation, and excluded their names from the final list of candidates. It was alleged that such action was contrary to procedure and amounted to professional misconduct, bringing disrepute to the Institute.
13. The Respondent, on the other hand, submitted that there were no specific guidelines or prescribed procedures under the Chartered Accountants Act, 1949, or under the Central Council's Directions for conducting branch elections. He further explained that both the said candidates were residing outside Satara and had, before the deadline, confirmed over phone their intention to withdraw from the election. The Respondent stated that this telephonic confirmation was given on speakerphone in the presence of several members, including the Branch In-Charge, thereby ensuring transparency. It was further stated that the actions were taken in good faith and in the best interest of the Institute to avoid unnecessary delay or expenditure in conducting the elections.
14. The witnesses CA. Pravina Oswal and CA. S. N. Godbole were examined on Oath who confirmed that they had indeed communicated their decision to withdraw over the phone to the Returning Officer before the deadline. The Branch In-Charge, CA. Reshma R. Jadhav was also examined on oath who has confirmed that such telephonic conversation took place on speakerphone in her presence and that both candidates expressed their intention to withdraw their nominations. It was also noted that both witnesses stated that they have no complaints against the Respondent as of now and that their oral withdrawals were made voluntarily.
15. The Board further noted that the Complainant, being a Chartered Accountant, was expected to exercise due care while filing the complaint in the statutorily prescribed form-I. In Form-I, the Complainant incorrectly mentioned as Clause (b) of Part IV of the First Schedule to the Chartered Accountants Act, 1949, which even does not exist. This error was acknowledged by the Complainant as a typographical mistake. Nevertheless, such inaccuracy in a statutory document by a professional member of the Institute is not acceptable and was viewed with displeasure by the Board.
16. After considering the totality of facts, the oral arguments and the evidence submitted by the parties, and the absence of any clear statutory provision prescribing the mode of withdrawal of nomination in branch elections, the Board finds that the Respondent's actions were not guided by mala fide intent. The Respondent acted in good faith, based on telephonic confirmations received from the candidates concerned, and there is no evidence that his conduct brought disrepute to the profession or the Institute. Accordingly, the Board of Discipline holds that the Respondent is **Not Guilty** of Other Misconduct as alleged in the complaint.

**CONCLUSION:**

17. Thus, in conclusion, in the considered opinion of the Board, the Respondent is held '**Not Guilty**' of Other Misconduct falling within the meaning of Item (2) of Part IV of the First

Schedule of the Chartered Accountants Act 1949. Accordingly, the Board passed an order for closure of the case in terms of provisions of Rule 15 (2) of the Chartered Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007.

18. Ordered accordingly. The case stands disposed of.

Sd/-

CA. Rajendra Kumar P  
Presiding Officer

Sd/-

Dolly Chakrabarty, IAAS (Retd.)  
Government Nominee

Sd/-

CA. Priti Savla  
Member

Date:08-12-2025

सत्यापित होने के लिए प्रमाणित / Certified to be True Copy

*[Signature]*

अध्यक्ष, बीएस / A.K. Grover

सहायक सचिव / Assistant Secretary

अनुशासनमय निर्देशन / Disciplinary Directorate

भारतीय सार्वजनिक लेखाकार संस्थान

The Institute of Chartered Accountants of India

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