



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

[PR/389/2022/DD/347/2022/BOD/728/2024]

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:

CA. Atul Ramniklal Mathuria, (M. No.039604)

Partner, M/s Bhaskar Atul & Associates,
A 701, Winsway Complex, Bldg.No-2, A Wing CHSL,
Old Police Lane, Andheri East,
Mumbai.....

Complainant

Versus

CA. Jimmy Pirosha Wankadia (M. No. 044236)

Proprietor, M/s Wankadia & Co., 1-B, 206, Parsee Salstee Colony,
Pump house, Andheri East,
Mumbai.....

Respondent

[PR/389/2022/DD/347/2022/BOD/728/2024]

MEMBERS PRESENT (THROUGH VIDEO CONFERENCE):

CA. Rajendra Kumar P, Presiding Officer

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

CA. Priti Savla, Member

Date of hearing and passing of Order: 12th December 2025

1. The Board of Discipline vide its findings dated 26th September 2025 was of the view that CA. Jimmy Pirosha Wankadia (M. No. 044236) is **GUILTY** of Professional Misconduct falling within the meaning of Item (8) of Part-I of the First Schedule to the Chartered Accountants Act, 1949.
2. An action under Section 21A (3) of the Chartered Accountants Act, 1949 was contemplated against CA. Jimmy Pirosha Wankadia (M. No. 044236) and communication dated 02nd December 2025 was addressed to him thereby granting him an opportunity of being heard on 12th December 2025 which was exercised by him by being present through video conferencing. He confirmed receipt of the findings of the Board and requested the Board to take a sympathetic view on the case and promised not to repeat it.
3. Thus, upon consideration of the facts of the case, the consequent misconduct of CA. Jimmy Pirosha Wankadia (M. No. 044236) and keeping in view his admission before it, the Board decided to impose a Fine of Rs.25,000/- (Rs. Twenty-Five Thousand only) upon him.

Sd/-

**CA. Rajendra Kumar P
(Presiding Officer)**

Sd/-

**Ms. Dolly Chakrabarty (IAAS, retd.)
(Government Nominee)**

प्रमाणित होने के लिए प्रमाणित / Certified to be True Copy

Praveer
अनु. सचिव / Anu. Secretary
सहायक सचिव / Assistant Secretary
अनुशासनिक निदेशक / Disciplinary Directorate
भारतीय सनदी सेवाकार संस्थान
The Institute of Chartered Accountants of India
आई सी ए आई भवन, पी. १, गैंगुली, नई दिल्ली-२०००१ (इ. इ.)

Sd/-

**CA. Priti Savla
(Member)**

CA. Atul Ramniklal Mathuria, (M. No.039604) Vs. CA. Jimmy Pirosha Wankadia (M. No. 044236)

BOARD OF DISCIPLINE

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

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

File No: PR/389/2022/DD/347/2022/BOD/728/2024

CORAM: (PRESENT IN PERSON)

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

IN THE MATTER OF:

**CA. Atul Ramniklal Mathuria, (M. No.039604)
Partner, M/s Bhaskar Atul & Associates
A 701, Winsway Complex, Bldg.No-2, A Wing CHSL
Old Police Lane, Andheri East
Mumbai**

Complainant

Versus

**CA. Jimmy Pirosha Wankadia (M. No. 044236)
Proprietor, M/s Wankadia & Co.
1-B, 206, Parsee Salstee Colony
Pump house, Andheri East
Mumbai.....**

Respondent

**Date of Final Hearing : 29th July 2025
Place of Final Hearing : ICAI Tower, Mumbai**

PARTIES: (PRESENT IN PERSON)

**Complainant : CA. Atul R Mathuria
Respondent : CA. Jimmy Pirosha Wankadia
Respondent's Counsel : Advocate S. G. Gokhale
Respondent's Representative : Shri Ashok Kapadia**

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BACKGROUND OF THE CASE:

1. As per the Complainant, the Complainant Firm was the tax auditor of Nishad Mehta, Proprietor of Mehta & Associates (hereinafter referred to as the "Client") for the financial year 2018-19, and the Respondent firm has conducted the tax audit of the Client for the next financial year 2019-20 without first communicating with the previous auditor (i.e., Complainant firm) in writing as required in Item (8) of Part I of First Schedule to the Chartered Accountants Act, 1949.

CHARGE ALLEGED:

2. The Respondent firm has accepted and completed the Tax Audit of the client for the financial year 2019-20 (Assessment year 2020-21) without first communicating with the previous auditor (i.e., Complainant firm) in writing as required under Item (8) of Part-I of the First Schedule to the Chartered Accountants Act, 1949.

BRIEF OF PROCEEDINGS HELD:

3. The details of the hearing fixed and held in the said matter are given below:

S. No.	Date of Hearing(s)	Status of Hearing(s)
1.	26 th June 2024	Adjourned at the request of the Respondent
2.	18 th January 2025	Adjourned at the request of the Complainant
3.	29 th July 2025	Matter Heard and Concluded

BRIEF SUBMISSIONS OF THE PARTIES

RESPONDENT

4. The Respondent submitted that he does not dispute the facts outlined in the Prima Facie Opinion (PFO) but expresses regret that the Complainant has questioned the authenticity of his communication with the client. He clarifies that the request for No Objection Certificate (NOC) was issued on his official letterhead and signed personally, with the client agreeing to deliver it to the Complainant.
5. The Respondent believes that Item (8) of Part-I of the First Schedule is simplified and doesn't consider exceptional circumstances. During the COVID-19 pandemic, his family faced severe health issues, including the death of his sister-in-law. Being the sole breadwinner and in poor health, the Respondent had to rely on the client to deliver the NOC. The Respondent confirmed that the Complainant's fees were paid. The Respondent further submitted that he had no motive or need to gain assignments unethically, and his attempt to communicate through the client may have been an error in judgment but not misconduct. The failure to obtain the NOC directly was due to unavoidable circumstances and not intentional.

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6. The Respondent highlights that misconduct requires intent, which was absent in this case, and he denies the allegation. The complaint has caused him emotional distress and tarnished his career reputation. The Respondent questioned how the Complainant accessed the Balance Sheet for FY 2019-20, as the Complainant did not audit that period.
7. The Respondent respectfully requests the Board to excuse his mistake, assuring that such an error will not recur. He believes the complaint is delayed afterthought, particularly considering the client's verbal NOC. Throughout the matter, the Respondent acted in good faith. Considering the extraordinary circumstances brought about by the COVID-19 pandemic and his otherwise unblemished professional record, he earnestly requests that this incident not be treated as misconduct. He therefore pleads for exoneration by the Board.
8. The Respondent at the time of the hearing submitted that Prima Facie Opinion notes his failure to prove the delivery of the letter, although he acknowledged that the letter could not be delivered, but explained that he only realized this when the current complaint was filed. He added that the matter was overlooked due to the COVID-19 pandemic and the lockdown.

COMPLAINANT

9. The Complainant, in response to the written statement of the Respondent, submits that there has never been any doubt regarding the authenticity of the letter issued on the Respondent's letterhead duly signed by him. However, the Complainant alleges that the letter was created and backdated only after the Respondent received notice of the complaint. The reference in the appointment letter, stating that "the Complainant had no objection to the audit being carried out by him," raises serious suspicion, as such a statement is highly unusual. In the Complainant's 35 years of practice, he has never encountered such wording in any appointment letter, particularly not from someone newly graduated and just starting a business, with an engineering background and no prior exposure to ICAI norms. The Complainant finds it unlikely that such a person would not be aware of the requirement to obtain a No Objection Certificate (NOC) from the previous auditor.
10. Further, the Complainant submits that there is no question of doubting the validity of medical documents because they are irrelevant to the matter at hand; the claims of poor health and associated difficulties appear to be a mere cover-up. The Complainant further submitted that if the Respondent had the time and health to take up a new assignment, an endeavour that typically demands considerable effort, especially in the first year, then his excuse of being too unwell or constrained to issue a simple NOC letter does not hold merit. The Complainant submitted that he strongly disagrees with the excuses given by the Respondent in

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his statement and the Respondent's stance of relying on the client to deliver the No Objection Certificate (NOC).

11. The Complainant reiterates his position that the documents in question seem to have been prepared after the filing of the complaint, potentially even printed in the Respondent's office. The Complainant further submitted that intention is immaterial in such cases; what matters is the action, or the lack thereof. The claim that there was a "verbal NOC" is labelled a blatant lie. The Respondent's conduct appears to reflect a calculated and deliberate attempt to seize professional work, first by replacing another auditor in an internal audit and then by taking on this tax audit assignment.
12. Finally, the Complainant emphasizes that several troubling aspects of the Respondent's actions cannot be fully elaborated due to a lack of documentary evidence. Nonetheless, the Complainant urges the Board to take a stern and exemplary view of the matter, to deter such conduct and ensure that no member of the Institute feels emboldened to undermine fellow professionals or the authority of ICAI.

OBSERVATIONS OF THE BOARD:

13. Upon careful review of the submissions and evidentiary documents placed on record by both the Complainant and the Respondent, the Board is of the considered opinion that the matter pivots primarily around the interpretation and application of Item (8) of Part-I of the First Schedule to the Chartered Accountants Act, 1949. For the sake of clarity, the said provision is reproduced herein:

"A chartered accountant in practice shall be deemed to be guilty of professional misconduct, if he –

(8) accepts a position as auditor previously held by another chartered accountant or a certified auditor who has been issued certificate under the Restricted Certificate Rules, 1932 without first communicating with him in writing".

14. The Board also observed that admittedly, the Complainant Firm served as the tax auditor for the Client for the financial year 2018-19 and that the Respondent Firm undertook and completed the tax audit for the succeeding financial year 2019-20. It is also an admitted fact that the Respondent did not directly communicate in writing with the Complainant before accepting the said audit assignment.
15. The Board also observed that the Respondent has contended that he requested the client to obtain a No Objection Certificate (NOC) from the previous auditor and was under the impression that the same had been secured. The Board, however, finds such a defence untenable considering the Respondent's acceptance letter dated 17th March 2020, wherein it was categorically stated that the

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commencement of the audit work would be contingent upon receipt of a written NOC from the Complainant. This self-imposed condition by the Respondent reflects a clear acknowledgment of the statutory duty under Item (8). Yet, notwithstanding such acknowledgment, the Respondent proceeded not only to commence but even completed the audit assignment, without ever receiving the requisite communication from the Complainant. This act, in the view of the Board, constitutes a deliberate departure from the professional standards mandated by the governing statute. It evidences a lack of adherence to the ethical obligations integral to the profession of accountancy and reflects poorly on the sanctity with which such duties are to be discharged.

16. The Board has duly considered the Respondent's submission that his inability to communicate directly with the Complainant was attributable to extenuating circumstances, including the onset of the COVID-19 pandemic, the consequent lockdowns, and personal family hardships. While the Board is not unmindful of the unprecedented difficulties prevailing during that period and extends its empathy for any genuine distress suffered by the Respondent, it must nevertheless underscore that the principles of justice require due consideration alongside the imperatives of professional responsibility. It is particularly noteworthy that the Respondent did have the time and means to issue a written communication to the client regarding the requirement of a No Objection Certificate (NOC). In that context, it is implausible that the Respondent could not, even through electronic means such as email, have fulfilled the minimal statutory obligation of directly communicating with the previous auditor. The Board, therefore, finds no convincing justification for this omission and concludes that reliance on the client to effect such communication cannot absolve the Respondent of his direct statutory duty under the Act.

17. The Board observed that in the instant matter, the Respondent being the incoming auditor did not obtain the mandatory No Objection Certificate (NOC) from the Complainant being a previous auditor before accepting the audit engagement, which resulted in violation of the applicable statutory mandate. This requirement of obtaining NOC serves a crucial role in maintaining transparency during auditor transitions and in identifying any underlying issues not evident from the records. The Chartered Accountants Act 1949 mandates that, at a minimum, written communication, such as an email, be initiated with the previous auditor to ensure proper ethical and professional conduct with due diligence.

18. Thus, on a detailed perusal of the submissions of the parties and documents on record, the Board was of the view that the Complainant has been able to substantiate with corroborative and conclusive documentary evidence in his claim that the Respondent firm has accepted and completed the Tax Audit of the client

for the financial year 2019-20 without first communicating with the previous auditor in writing.

CONCLUSION:

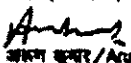
19. Thus, in conclusion, in the considered opinion of the Board, the Respondent is 'Guilty' of Professional Misconduct falling within the meaning of Item (8) of Part-I of the First Schedule to the Chartered Accountants Act, 1949.

Sd/-
CA. Rajendra Kumar P
Presiding Officer

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

Sd/-
CA. Priti Savla
Member

Date: 26-09-2025

सत्यापित होने के लिए प्रमाणित / Certified to be True Copy

अरुण कुमार / Arun Kumar
वरिष्ठ कार्यकारी अधिकारी / Sr. Executive Officer
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