



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

[PR/416/2019/DD/54/2020/BOD/604/2022]

**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. Rakesh Rastogi (M. No. 071136)**

Near Birwa Bari Mandir  
Opp. Navyuvak Inter College, Raghuvir Nagar,  
Badaun.....

**Complainant**

**Versus**

**CA. Viral Rastogi (M. No. 431829)**

Partner, M/s Ravindra Kumar & Associates  
H. No. 228, Kansen Street, Choona Mandi,  
Badaun.....

**Respondent**

[PR/416/2019/DD/54/2020/BOD/604/2022]

**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: 30<sup>th</sup> December 2025**

1. The Board of Discipline vide its findings dated 08<sup>th</sup> December 2025 was of the view that CA. Viral Rastogi (M. No. 431829) 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. Viral Rastogi (M. No. 431829) and communication dated 19<sup>th</sup> December 2025 was addressed to him thereby granting him an opportunity of being heard on 30<sup>th</sup> 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 and promised not to repeat it.
3. Accordingly, after due deliberation and having regard to the nature of the consequent misconduct, the Board hereby resolves to impose a **Fine of Rs. 10,000/- (Rupees Ten Thousand only)** upon CA. Viral Rastogi (M. No. 431829)

**Sd/-**

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

**सत्यापित होने के लिए प्रमाणित/Certified to be True Copy**

**Sd/-**  
विश्वनाथ तिवारी/Bishwa Nath Tiwari  
कार्यकारी अधिकारी/Executive Officer  
अनुशासनात्मक निदेशालय/Disciplinary Directorate  
भारतीय संसदी शिक्षाकार संस्थान  
The Institute of Chartered Accountants of India  
आई.सी.ए.आई. भवन, सी-१, सेक्टर-१, नोएडा-२०१३०१ (उ.प्र.)  
ICAI Bhawan, C-1, Sector-1, Noida-201301 (U.P.)

**Sd/-**

**CA. Priti Savla  
(Member)**

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

**BOARD OF DISCIPLINE**

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

**FINDINGS UNDER RULE 14 (9) 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, IAAS (Retd.), Government Nominee**  
**CA. Priti Savla, Member**

**IN THE MATTER OF:**

**CA. Rakesh Rastogi (M. No. 071136)**  
Near Birwa Bari Mandir  
Opp. Navyuvak Inter College, Raghuvir Nagar  
**Badaun.....Complainant**

**Versus**

**CA. Viral Rastogi (M. No. 431829)**  
Partner, M/s Ravindra Kumar & Associates  
H. No. 22B, Kansen Street  
Choona Mandi  
**Badaun.....Respondent**

**Date of Final Hearing** : 27<sup>th</sup> October 2025  
**Place of Final Hearing** : ICAI Bhawan, New Delhi

**PARTY PRESENT:**

None

**FINDINGS:**

**BACKGROUND OF THE CASE:**

1. The present case arises from a complaint filed against the Respondent, a Chartered Accountant, alleging professional misconduct under Item (8) of Part I of the First Schedule to the Chartered Accountants Act, 1949. The complaint pertains to the tax audit of M/s Rastogi Computers for the financial year 2018-19, which the Respondent accepted without first communicating in writing with the previous auditor, i.e., the Complainant. According to the provisions of the ICAI Code of Ethics, such prior communication is a mandatory professional requirement intended to maintain ethical coordination among members and to safeguard the integrity of the audit process. The Respondent, in his written statement, admitted that he did not communicate with the Complainant before accepting the audit assignment and expressed regret for the lapse, attributing it to an oversight. As there was no written communication or proof of delivery, such as Registered Acknowledgement Due or acknowledgment of receipt, the lapse constitutes a violation of the prescribed ethical procedure.

2. Besides this, two additional allegations were made against the Respondent, first, that his name did not appear on the Income Tax Department's portal as the statutory auditor for FY 2018-19, and second, that the audit was completed within a single day, suggesting inadequate diligence. Upon examination, however, both these allegations were found to be unsubstantiated. The Respondent provided a valid extract from the Income Tax portal confirming his appointment as auditor, and it was observed that the time taken to complete an audit can legitimately vary depending on the nature and scale of the client's operations. In the absence of any evidence indicating negligence or lack of due care, no professional lapse could be inferred on these two allegations. Accordingly, before the Board, the only sustainable charge against the Respondent is his failure to communicate with the outgoing auditor prior to accepting the audit engagement, which amounts to professional misconduct under Item (8) of Part I of the First Schedule to the Chartered Accountants Act, 1949.

#### **CHARGE ALLEGED:**

3. It was alleged that the Respondent accepted the tax audit assignment of M/s. Rastogi Computers for the financial year 2018-19 without first communicating in writing with the outgoing auditor, i.e., the Complainant. Such communication is a mandatory professional requirement under the ICAI Code of Ethics to ensure transparency and professional courtesy among members. The failure to do so was alleged to constitute professional misconduct under Item (8) of Part I of the First Schedule to the Chartered Accountants Act, 1949.
4. It was further alleged that the Respondent's name did not appear on the Income Tax Department's portal as the statutory auditor for the said financial year, thereby raising doubts regarding the validity of his appointment as auditor.
5. Additionally, it was alleged that the Respondent had completed the audit of M/s. Rastogi Computers in a single day, suggesting that the audit work may not have been carried out with adequate diligence or professional care as required under the auditing standards.

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

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

<b>S. No.</b>	<b>Date of Hearing</b>	<b>Status of hearing</b>
1.	21 <sup>st</sup> July 2023	Adjourned at the request of the Respondent (Medical grounds).
2.	04 <sup>th</sup> October 2023	Adjourned at the request of the Respondent (Medical grounds).
3.	01 <sup>st</sup> September 2025	Adjourned at the request of the Respondent.
4.	27 <sup>th</sup> October 2025	Matter heard and concluded.

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

7. The Respondent, through his letter dated 05<sup>th</sup> August 2022, submitted that he was a newly qualified Chartered Accountant when he conducted the tax audit of M/s Rastogi Computers for FY 2018-19. Due to inexperience and work pressure near the tax audit deadline, he unintentionally failed to obtain a written NOC from the previous auditor CA. Rakesh Rastogi. He expressed deep respect for CA. Rakesh Rastogi, described the lapse as purely accidental and not intentional, and tendered an unconditional apology while assuring that such a mistake would not be repeated.
8. The Complainant vide letter dated 10<sup>th</sup> August 2022, requested the Disciplinary Directorate to decide the case on merits.

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**OBSERVATIONS OF THE BOARD:**

9. The Board while carefully considering the submissions and documents on record noted that the Respondent, on multiple occasions, sought adjournments citing medical and personal reasons, and even on the date of last hearing, submitted a request for adjournment on the ground of pending personal compliance, including filing of Income Tax returns. Despite these repeated adjournments, the Complainant has expressed no objection to proceeding with the case on merits stating that all relevant documents have already been filed and are available for the Board's consideration.

10. The Board noted that the Respondent has candidly admitted that he did not communicate with the previous auditor before accepting the audit assignment of M/s. Rastogi Computers for the financial year 2018-19 and has expressed sincere regret for this oversight, clarifying that the omission was unintentional. After examining the evidence, the Board finds that, while three allegations were initially raised against the Respondent, only the failure to communicate with the outgoing auditor warrants substantive consideration. The other two allegations that his name did not appear on the Income Tax Department's portal and that the audit was completed in a single day were found to be unsubstantiated. The Respondent produced a valid extract from the Income Tax portal confirming his appointment, and the Board observed that audit timelines may legitimately vary depending on the size, complexity, and nature of the client's operations. In the absence of any evidence indicating negligence or deficiency, these allegations cannot form the basis of professional misconduct and are accordingly dropped.

11. In respect of the sustained allegation, the Board noted that the Respondent failed to comply with the mandatory requirement of prior communication, which is intended to maintain transparency and uphold the integrity of the audit process. In view of the Respondent's admission and the absence of any documentary proof demonstrating compliance, the Board finds that the essential elements of Clause (8) of Part I of the First Schedule to the Chartered Accountants Act, 1949, have been violated. Accordingly, the Respondent is held guilty of professional misconduct.

**CONCLUSION:**

12. 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**

सत्यापिता होने के लिए प्रमाणित / Certified to be True Copy

*Brijesh*  
 विष्णुनाथ तिवारी / Bishnu Nath Tiwari  
 कार्यकारी अधिकारी / Executive Officer  
 अनुगामसमाजक नियंत्रणालय / Disciplinary Directorate  
 भारतीय सनदी संशोधन संस्थान  
 The Institute of Chartered Accountants of India  
 आई.सी.ए.आई. भवन, सौ-1, सेक्टर-1, नोएडा-201301 (उ.प.)  
 ICAI Bhawan, C-1, Sector-1, Noida-201301 (U.P.)

Date:08-12-2025