



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

[PR/G/498/2022/DD/490/2022/BOD/752/2024]

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:**

**Ms. Padmini Solanki**

Deputy Director of Income Tax (Inv.) Unit-1(1)

Office of the Principal Director of Income Tax (Inv.)

Room No. 142, 1<sup>st</sup> Floor, Aayakar Bhawan, Ashram Road,

Ahmedabad.....Complainant

**Versus**

**CA. Naman Jatinkumar Shah (M. No. 158033)**

35, Umasut Nagar Society, Near Yogeshwar Flat, Vejalpur

Ahmedabad.....Respondent

[PR/G/498/2022/DD/490/2022/BOD/752/2024]

**MEMBERS PRESENT (THROUGH VIDEO CONFERENCE):**

**CA. Rajendra Kumar P, Presiding Officer**

**Ms. Dolly Chakrabarty (IAAS, ret'd.), 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. Naman Jatinkumar Shah (M. No. 158033) is **GUILTY** of Other Misconduct falling within the meaning of Item (2) of Part-IV 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. Naman Jatinkumar Shah (M. No. 158033) 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 on the case and promised not to repeat it.
3. Thus, upon consideration of the facts of the case where neither any re-assessment was done by the Income Tax Department, nor any action was initiated against the Political Parties involved in the instant matter, along with the consequent misconduct of CA. Naman Jatinkumar Shah (M. No. 158033) and keeping in view his representation before it, the Board decided to **REPRIMAND** him.

**Sd/-**

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

**Sd/-**

**Ms. Dolly Chakrabarty (IAAS, ret'd.)**  
(Government Nominee)

सत्यापित होने के लिए प्रमाणित / Certified to be True Copy

विष्णुनाथ शिवाजी / Vishnu Nath Thawari  
कार्यकारी अधिकारी / Executive Officer  
अनुशासनात्मक निदेशालय / Disciplinary Directorate  
भारतीय सनदी लेखाकार संस्थान  
The Institute of Chartered Accountants of India

Ms. Padmini Solanki, DDIT (Inv.) Unit-1(1) -Vs- CA. Naman Jatinkumar Shah (M. No. 158033)  
ICAI Bhawan, C-1, Sector-1, Noida-201301 (U.P.)

**Sd/-**

**CA. Priti Savla**  
(Member)

**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/G/498/2022/DD/490/2022/BOD/752/2024**

**CORAM: (PRESENT IN PERSON):**

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

**IN THE MATTER OF:**

**Ms. Padmini Solanki**

Deputy Director of Income Tax (Inv.)

Unit-1(1), Ahmedabad, Office of the Principal Director of Income Tax (Inv.)

Room No.142, 1<sup>st</sup> Floor, Aayakar Bhawan, Ashram Road

Ahmedabad..... **Complainant**

**Versus**

**CA. Naman Jatinkumar Shah (M. No 158033)**

35, Umasut Nagar Society, Near Yogeshwar Flat, Vejalpur

Ahmedabad..... **Respondent**

<b>Date of Final Hearing</b>	:	26 <sup>th</sup> September 2025
<b>Place of Final Hearing</b>	:	ICAI Bhawan, Ahmedabad
<b>Date of Pronouncement of Judgement</b>	:	04 <sup>th</sup> November 2025

**PARTIES PRESENT (IN PERSON):**

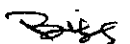
**Representative of Complainant's Department:** Shri Prem Prakash Prasad and Shri Girraj Meena, Inspectors

<b>Respondent</b>	:	CA. Naman Jatinkumar Shah
<b>Counsel for Respondent</b>	:	CA. Deepak Shah

**FINDINGS:**

**BACKGROUND OF THE CASE:**

1. It is the case of the Complainant that a search and seizure operation under the Income Tax Act, 1961 was conducted by the Complainant Department in the case of 03 Political Parties and 02 Charitable Institutions based in Ahmedabad, namely, Manvadhikar National Party, (MNP), Kisan Adhikar Party (KAP), All India Social Education Charitable Trust (AISECT) controlled by Shri Tribhawan Ramkaip Ojha and Kisan Party of India (KPI) and



Aadhar Foundation (AF) controlled by Shri Saumil Bhadaria, that were involved in widespread and multiple tax evasion practices.

2. Further, the Complainant stated that during the search of their department carried out on 02<sup>nd</sup> February 2021, 28 Chartered Accountants including Respondent, were found to have solicited clients for bogus donations scam who have categorically, unambiguously and repeatedly admitted their role in the aforementioned bogus donation scam in their statements recorded on oath u/s 132(4) and 131(1A) of the Income Tax Act.
3. Furthermore, it is alleged that the Respondent colluded with the key persons from the Political party in this elaborate scam to facilitate widespread tax evasion and electoral funding fraud. The Respondent solicited clients/donors looking to reduce their taxable income by claiming fraudulent deductions as per the Income Tax Act. After soliciting the clients these commission agents (professionals including Respondent) provided bank account details of the political party to the client, who in turn transferred the donation amount to the said bank account and provided the details such as Name of donor, PAN, address, Bank A/c details, RTGS/NEFT/UTR no. etc. on WhatsApp to the key persons of political party, who in turns generated donation receipt in the name of the client. Thereafter, the said amount was then finally returned to the original donor's i.e., clients in the form of cash after deduction of the commission of the mediators, i.e., (Respondent), in the extant matter.

#### **CHARGE ALLEGED:**

4. The Respondent was involved in a political party donation scam to facilitate tax evasion by soliciting clients for bogus donations in lieu of commission income.

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

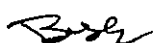
5. The details of the hearings fixed and held in the said matter are given below:

S. No.	Date of hearings	Status of hearings
1.	10 <sup>th</sup> July 2025	Part Heard and Adjourned.
2.	26 <sup>th</sup> September 2025	Matter Heard and Concluded. Judgment Reserved.
3.	4 <sup>th</sup> November 2025	Judgment Pronounced.

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

##### **RESPONDENT:**

6. The Respondent vide letter dated 18<sup>th</sup> December 2024 submitted that the Prima Facie Opinion (hereinafter 'PFO') heavily relied upon the statement recorded on 04<sup>th</sup> June 2021 under Section 131 of the Income Tax Act, 1961. However, the PFO disregarded his rebuttal of the recorded statement on the grounds that it had been filed belatedly.
7. The Respondent further submitted that a copy of his statement recorded on 04<sup>th</sup> June 2021 had never been made available to him, except when the complaint was filed on 13<sup>th</sup> May 2022, which was subsequently sent to him by ICAI on 13<sup>th</sup> September 2022. Therefore, prior to 13<sup>th</sup> September 2022, he had no knowledge of the incorrect facts mentioned in the statement. When he filed his reply, he specifically stated that the recorded statement did not accurately reflect his answers. However, the AO who recorded the statement had wrongly inferred its content and had assured him that nothing would go against him. Based on this assurance, his signatures had been obtained through



misrepresentation, making the statement inadmissible as evidence. Therefore, he could not be held guilty solely based on his statement dated 04<sup>th</sup> June 2021.

8. By a letter dated 20<sup>th</sup> March 2023, the Disciplinary Directorate inquired the Respondent that whether he had retracted his statement. In response, he filed an affidavit affirming that the recorded statement was incorrect and, therefore, retracted it while providing a fresh statement explaining the situation. The PFO, however, disregarded the retraction, stating that it had been filed belatedly. It should be noted that there was no undue delay. The statement dated 04<sup>th</sup> June 2021 was made available to him only on 13<sup>th</sup> September 2022. When he filed his Written Statement on 06<sup>th</sup> October 2022 in response to the complaint, he clearly mentioned the incorrect recording of his statement. Thus, the retraction was made within just 22 days, which cannot be considered an inordinate delay. Furthermore, even when he was specifically asked to file a retraction statement on 20<sup>th</sup> March 2023, he submitted an affidavit retracting his statement on 12<sup>th</sup> April 2023, again within 22 days. Therefore, neither the original written statement nor the retraction affidavit was so delayed as to be disregarded. Under these circumstances, the PFO should have taken cognizance of the explanations provided in both the original written statement and the retraction affidavit.
9. The PFO noted that an admission serves as the best piece of evidence unless the individual demonstrates its incorrectness. In this case, he had sufficiently demonstrated how and why the statement was incorrect. Therefore, the PFO should have considered his explanation.
10. The PFO placed heavy reliance on the statement of Mr. Archit B. Shah, against whom a complaint had also been filed. However, his statement had never been furnished along with the complaint, depriving the undersigned of an opportunity to review it. Consequently, it was incorrect for the Director (Discipline) to consider additional evidence in the form of Mr. Shah's statement without providing him a copy and an opportunity to offer his comments. It is a well-established principle that post-decisional hearings hold no value. Moreover, he understood that Mr. Archit B. Shah had also retracted his statement. The complainant, however, did not submit this retraction and only presented documents that suited their case. Principles of fair play require that all documents submitted in a complaint be furnished to the accused for his response.
11. The allegation against him was that he had been involved in a Political Party Donation Scam, colluding with a key person from a political party by introducing clients who sought tax deductions under the Income Tax Act by making cheque payments and subsequently receiving equivalent amounts in cash, thereby earning a commission for facilitating such dubious transactions. The entire case was based on WhatsApp chats retrieved from the mobile phones of individuals allegedly connected with the parties involved in accepting bogus donations or from Mr. Archit Shah. However, the Hon'ble Supreme Court, in the case of South Delhi Municipal Corporation v. A2Z Infra Services, had remarked, "What is the evidential value of WhatsApp messages these days? Anything can be created and deleted on social media these days. We don't attach any value to WhatsApp messages." Thus, WhatsApp chats hold no evidentiary value. Beyond the WhatsApp chats, no other evidence existed to prove his involvement in any dubious activities. Therefore, a mere reliance on WhatsApp chats was insufficient to establish guilt for misconduct. Although this argument had been specifically raised in his written statement, the PFO failed to address it in its report.

*B. B. S.*

### **COMPLAINANT/COMPLAINANT DEPARTMENT:**

12. The Complainant, vide letter dated 2<sup>nd</sup> July 2025, while reiterating the submissions earlier placed before the Director (Discipline), stated that the statement on Oath under Section 132(4)/131(1A) of the Income-tax Act, 1961, was recorded during the period from May to June 2021. The statement was duly read over to the Respondent, who, being a qualified professional well-versed in legal matters, personally certified under his signature that no threat, undue pressure or coercion was exerted upon him during his deposition. The Department further submitted that apart from the statement on Oath, there are numerous other incriminating evidence gathered during the search operation, as well as post-search enquiries, which clearly indicate the involvement of such professionals in the large-scale bogus donation scam.
13. The Respondent's claim of having been subjected to undue influence or coercion during the post-search inquiry, which was raised only after a considerable lapse of time and notably after the initiation of disciplinary proceedings by the Disciplinary Directorate, is clearly baseless, factually incorrect and therefore untenable in law. Such an act of the Respondent appears as an effort to derail the inquiry initiated by the Board of Discipline.

### **OBSERVATIONS OF THE BOARD:**

14. The Board observed that when the Complainant department initiated the search and seizure operation in the case of 03 Political Parties and 02 Charitable institutions based out of Ahmedabad, namely, Manvadhikar National Party, (MNP), Kisan Adhikar Party (KAP), All India Social Education Charitable Trust (AISECT) controlled by Shri Tribhawan Ramkalp Ojha and Kisan Party of India (KPI) and Aadhar Foundation (AF) controlled by Shri Saumil Bhadaria; it was emerged that the Respondent had facilitated tax evasion by soliciting clients to make bogus donations in consideration of commission payments.
15. The Board observed that the Complainant Department brought on record the Statement on Oath of the Respondent dated 04<sup>th</sup> June 2021, recorded before them under Section 131(1A)/132(4) of the Income Tax Act, 1961. The relevant portions of the Statement on Oath of the Respondent are reproduced below:

*"Q4. During the search and seizure operation in the case of various political parties and charitable organizations, in the premises of Archit B Shah & Associates (erstwhile Shalin M Shah & Associates), F 911 Titanium City Centre, Satellite, Ahmedabad statements of Shri Archit B Shah was recorded u/s 131 of the IT Act respectively. I am showing you the relevant portions of all the statements which pertain to you. Please offer your comments on the same.*

*Ans: Sir, I have gone through the statements of Shri Archit B Shah. It was deposed by Shri Archit Shah in the statement that I was in contact with him. Sir, I accept that I was in contact with Shri Archit Shah. I accept that I was involved in Bogus Donation modus where entities used to make donation to a political party (Namely Kisan Party of India) and received the money back in cash after deduction of commission and claim the deduction in their Return of Income."*

Thus, upon examination of the above, the Board noted that the Respondent has unequivocally admitted his involvement in the said political donation scam.

16. The Board also observed that the Respondent retracted his statement dated 04<sup>th</sup> June 2021 through an affidavit dated 12<sup>th</sup> April 2023 after almost two years. Moreover, the Respondent contended that the Prima Facie Opinion of the Director (Discipline) disregarded his rebuttal of the recorded statement because it had been filed belatedly and he became aware of the facts of his statement dated 04<sup>th</sup> June 2021 only upon receipt of

Form-I, and that was the reason behind his late rebuttal. Subsequently, the Board further observed that the timing of the retraction closely coincides with the Respondent's receipt of Form-I. Furthermore, the Respondent's act strongly suggests to the Board that he stood by his original statement for an extended period and attempted to withdraw it only when confronted with the potential consequences of his own admissions through disciplinary proceedings. In view of these facts, the Board finds that the retraction lacks credibility and appears to be a self-serving attempt to evade disciplinary action. The Board further observed that, in addition to the circumstantial evidence, the Respondent also failed to make the retraction within a reasonable time, as required by law.

17. The Board observed that a rebuttal to an admission made in a Statement on Oath must be submitted within a reasonable time. In the present matter, the rebuttal was filed after approximately two years, which is far beyond what could be considered reasonable. Consequently, the belated rebuttal carries no evidentiary value.
18. The Board noted that as per the Respondent's affidavit dated 07<sup>th</sup> August 2025, and the submissions of the representatives of the Complainant Department during the hearing, established that the Income Tax department did no reassessment of the Respondent's income. Nevertheless, the Board cannot lose sight of the fact that the Respondent's statement on Oath dated 04<sup>th</sup> June 2021 is admissible in front of the law unless rebutted within a reasonable time. For the sake of repetition, in the present case, the rebuttal was filed only after a period of approximately two years, which cannot be regarded as a reasonable time.
19. The Board cannot negate its findings just upon the fact that the Respondent's case was not reopened by the Income Tax department after the alleged commission income, and keeping in view the statement on Oath recorded under Section 131(1A)/132(4) of the Income Tax Act, 1961, the Board found that Complainant has met the initial burden of proving the Guilt on the part of the Respondent. Accordingly, the onus therefore shifted to the Respondent to establish his innocence. However, the Respondent failed to produce any cogent evidence or documentation in support of his defence.
20. Thus, on a detailed perusal of the submissions and documents on record, the Board is of the view that the Complainant department had furnished corroborative evidence demonstrating that the Respondent was involved in a political party donation scam to facilitate tax evasion by soliciting clients for bogus donations in lieu of commission income. In view of the same, the Board held the Respondent **Guilty** in respect of the charge alleged.

### **CONCLUSION:**

21. Considering the foregoing, in the considered opinion of the Board, the Respondent is held '**Guilty**' of Other Misconduct falling within the meaning of Item (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: 08-12-2025**

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विश्वनाथ शिवारी / Bishwa Nath Thakral  
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Sd/-

**CA. Priti Savla**  
**Member**