

CONFIDENTIAL

DISCIPLINARY COMMITTEE [BENCH – IV (2025-2026)]

[Constituted under Section 21B of the Chartered Accountants Act, 1949]

Findings under Rule 18(17) and Order under Rule 19(2) of the Chartered Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007.

File No.: - [PR/G/92/2020/DD/248/2021/DC/1940/2024]

In the matter of:

**Shri A.P. Babu,
Assistant Registrar of Companies, Karnataka,
Office of the Registrar of Companies,
Ministry of Corporate Affairs, GOI
Kendriya Sadan, II Floor, E-Wing,
Koramangal, Bangalore,
Karnataka-560034**

..... Complainant

Versus

**CA. Krishan Kumar Aggarwal (M. No. 085948)
333, Shubham Tower, Near Escorts Hospital,
Neelam Bata Road, Faridabad
Haryana-121001**

..... Respondent

MEMBERS PRESENT:

**CA. Prasanna Kumar D, Presiding Officer (In person)
Adv. Vijay Jhalani, Government Nominee (In person)
CA. Mangesh P. Kinare, Member (In person)
CA. Satish Kumar Gupta, Member (Through VC)**

DATE OF FINAL HEARING: 02nd December 2025

PARTIES PRESENT:

Authorized Representative of Complainant : Ms. N. Hemlatha (ROC)(Through VC)

Respondent: CA. Krishan Kumar Aggarwal (Through VC)

Counsel for Respondent : CA. C. V. Sajan (Through VC)

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1. **Background of the Case:**

The Complainant has stated that its department (ROC) has received a Complaint from one Shri Tarun Tarika who has alleged that the Respondent had wrongfully certified five Form-32 (Form for filing particulars of appointment of Managing Director, Directors, Manager and Secretary and the changes among them or consent to act as Managing Director or Director or Manager or Secretary of a Company and/or undertaking to take and pay for qualification shares) of a private limited company namely M/s. TVI Express Holidays Private Limited (hereinafter referred to as "Company") for appointment of Directors without their consent.

2. **Charges in brief:**

- 2.1 The Respondent has wrongly certified five Form - 32 of the Company for appointments of Directors without their consent.

3. **The relevant issues discussed in the Prima Facie Opinion dated 14th June 2024 formulated by the Director (Discipline) in the matter in brief, are given below:**

- 3.1 The Complainant had brought on record five impugned Form-32 alleged to have been certified by the Respondent. All the said five Form-32 bearing the digital signatures of the Respondent.
- 3.2 The Complaint filed by the Respondent to the Deputy Commissioner of Police (Faridabad) was a complaint for breach of his own Income Tax login credentials and not for misuse of his digital signatures. Accordingly, in the absence of any specific complaint by the Respondent regarding misuse of his digital signatures, his plea that his digital signatures were misused could not be considered at its face value at that prima facie stage.
- 3.3 The Directorate had extracted the challan receipts from the MCA database against the said Form-32, wherefrom it was apparent that the said challans bore the name of the Respondent towards payment of the filing fee. Accordingly, a mere denial by the Respondent to the ROC regarding misuse of his digital signatures could not be considered at face value
- 3.5 Accordingly, the Director (Discipline) in his Prima Facie Opinion dated 14th June 2024 opined that the Respondent is Prima Facie **Guilty** of Professional



Misconduct falling within the meaning of Clause (7) of Part I of the Second Schedule to the Chartered Accountants Act, 1949. The said clause of the Schedule to the Act, states as under:

Clause (7) of Part I of the Second Schedule:

"A Chartered Accountant in practice shall be deemed to be guilty of professional misconduct if he:

(7) does not exercise due diligence or is grossly negligent in the conduct of his professional duties."

- 3.6 The Prima Facie Opinion formed by the Director (Discipline) was considered by the Disciplinary Committee in its meeting held on 11th December 2024. 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 Misconduct falling within the meaning of Clause (7) of Part - I of the 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:**

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	02 nd August 2021
2.	Date of Written Statement filed by the Respondent	23 rd September 2021
3.	Date of Rejoinder filed by the Complainant	Not filed
4.	Date of Prima Facie Opinion formed by Director (Discipline)	14 th June 2024
5.	Written Submissions filed by the Respondent after Prima Facie Opinion	07 th August 2025, 07 th November 2025 and 08 th November 2025
6.	Written Submissions filed by the Complainant after Prima Facie Opinion	Not filed

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5. **Written Submissions filed by the Respondent: -**

5.1 The Respondent vide letter dated 07th August 2025 has, interalia, made the following submissions: -

- i. The Respondent denied attesting any of those forms and asserted forgery through misuse of his digital signature.
- ii. The first letter regarding the alleged wrong certification was received by him from the office of ROC, Bangalore on 17th November 2012 and on the same day it was denied with a reply letter expressing shock and dismay. The office of ROC sent another letter dated 6th December 2012 to him for the second time which was again denied through his reply letter dated 11th December 2012. On 7th July 2014, ROC again sent him a show cause notice which was reverted by him with a strong denial vide his reply dated 17th July 2014.
- iii. A Police complaint filed on 14 Oct 2013 with DCP Faridabad, and follow-up letter shared with ROC. Despite all records and evidence, RoC filed a complaint after seven years (14 Aug 2021) without investigation, ignoring recommendations to examine cybercrime angles related to misuse of digital signatures.
- iv. The complaint explicitly mentioned misuse of digital signature and its relevance in filing ROC and tax documents. The Respondent, being a cybercrime victim, could not identify all offences at prima facie stage.
- v. Examination of Forms 32 shows these were filed and digitally signed by someone named "Sandeep," using a DSC not belonging to the Respondent.
- vi. The challans for these Forms 32 were paid by a person named *Krishan Kumar Aggarwal* at an address in Janakpuri, New Delhi — not connected with the Respondent, whose only office is in Faridabad, Haryana.
- vii. Digital signature comparison revealed clear differences between the genuine DSC and the fake one used in the fraudulent filings.
- viii. Different serial numbers, validity dates, states (Haryana vs Delhi), email IDs, and localities, proves the existence of a duplicate DSC created using Respondent's details.
- ix. That he had no knowledge of the company, its promoters, or any involvement in certification of Forms 32.
- x. The Respondent is a victim of cybercrime..



5.2. The Respondent, vide email dated 07th November 2025 and 08th November 2025, submitted the bank statement of State Bank of India and, interalia, stated as under:-

- (i) Upon a perusal of the bank statement, it is evident that no payment whatsoever was made to the Registrar of Companies, Bangalore during the period from June 2012 to August 2012 in respect of any of the following challans
- a) SRN 41029414 dated 12/06/2012
 - b) SRN 41130967 dated 13/06/2012
 - c) SRN 42098806 dated 27/06/2012
 - d) SRN 43485051 dated 17/07/2012
 - e) SRN 45701620 dated 18/08/2012

6. **Brief facts of the Proceedings:**

6.1 The details of the hearing(s)/ meetings fixed and held/adjourned in said matter are given as under:

S. No.	Date of meeting(s)	Status
1	05 th August 2025	Oath taken by Respondent and adjourned
2	07 th November 2025	Part heard and adjourned
3	20 th November 2025	Part heard and adjourned
4	02 nd December 2025	Hearing concluded and decision taken.

6.2 On the day of hearing on 05th August 2025, the Committee noted that the Respondent was present through VC and appeared before it. The Committee noted that the Complainant was not present despite the fact that notice of the hearing was duly served upon him. 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 charges against him and whether he pleads guilty. The charges as contained in prima facie opinion were also read out. On the same, the Respondent replied that he is aware of the charges and pleaded 'Not Guilty' to the charges levelled against him. In view of Rule 18(9) of the Chartered Accountants (Procedure of Investigation of Professional and Other Misconduct and Conduct of Cases) Rules, 2007, the Committee adjourned the case.



- 6.3 On the day of hearing on 07th November 2025, the Committee noted that Respondent along with counsel was present through VC and appeared before it. The Counsel for Respondent denied all allegations, asserting that he was never associated with the company or its directors and had not certified the Forms in question. The Counsel for Respondent claimed that his digital signature and membership number were fraudulently used by an impersonator with the same name, who created a fake digital signature and misused his credentials to file ROC Forms and tax audit reports. The Respondent highlighted that his address was in Faridabad, while the fraudulent filings were linked to an address in Delhi. The counsel for Respondent stated that the case also involved allegations of forgery and cybercrime by an individual named Mr. Tarun Trikha, who allegedly conspired with the impersonator to misuse the respondent's credentials for fraudulent activities. The Respondent was asked to submit his State Bank of India account statement to verify the payment details associated with the contentious Forms. With this, the case was adjourned.
- 6.4 On the day of hearing on 20th November 2025, the Committee noted that authorized representative of Complainant and Respondent along with counsel was present through VC and appeared before it. The Counsel for Respondent denied filing the alleged forms and submitted evidence, including a bank statement and covering letter, to substantiate that no payments were made to the ROC from his bank account. It was clarified that the Respondent's bank account at the time was with the State Bank of Patiala, not the State Bank of India, as alleged. The Respondent had submitted a written submission on 7th August 2025, which the Complainant claimed not to have received. The Committee directed that the said written submissions of Respondent be sent to the Complainant Department. The matter was accordingly adjourned.
- 6.5 On the day of hearing on 2nd December 2025, the Committee noted that Respondent along with Counsel and authorized representative of Complainant was present through VC and appeared before it. The Counsel for Respondent submitted that his digital signature was fraudulently fabricated and misused by an unknown individual for filing ROC and income tax documents, and he provided documentary evidence to prove the difference between the genuine and fraudulent digital signatures. He

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stated that filed police complaint has been filed and shared evidence with the ROC, but law enforcement agencies failed to act effectively. The Complainant's representative stated that the Respondent's submissions lacked broader context, and asked as to why the Respondent did not flag the misuse earlier. She stated the Respondent's claims should be corroborated with sufficient evidence.

7. Findings of the Committee:-

- 7.1 The Committee noted that it is alleged that the Respondent has wrongly certified five Form-32 of a Company, namely TVI Express Holidays Pvt Ltd (hereinafter referred as **TVI**) for appointment of Directors without their consent. The Respondent in his Written Statement has stated that his digital signatures have been misused by someone and that it is a case of forgery, and he has filed a police complaint to this effect and had responded/denied these allegations of RoC through various letters prior to filing of this complaint by RoC.

The Complainant has brought on record 5 impugned Form-32 alleged to have been certified by the Respondent, the detail of which are as under:

S. No	Name of Directors	SRN No	Date of Filing
1.	Ms. Veena Trikha (for Appointment)	B43485051	17.07.2012
2.	Mr. Tarun Trikha (for Appointment)	B42098806	27.06.2012
3.	Mr. Varun Trikha (for Appointment)	B41130907	13.06.2012
4.	Mr. Vinay Kumar (for Appointment)	B41029414	12.06.2012
5.	Mr. Sandeep (for Cessation)	B45701620	18.08.2012

- 7.2 The Committee further noted that the Respondent has submitted that the challans for filing these Forms 32 were paid by a person named *Krishan Kumar Aggarwal* at an address in Janakpuri, New Delhi — not connected with the Respondent, whose only

office is in Faridabad, Haryana. Further, digital signature comparison revealed clear differences between the genuine DSC and the fake one used in the fraudulent filings.

- 7.3 In view of above submissions, the Committee noted that as per its directions, the Respondent has brought on record copy of his bank statement for the period 01/04/2012 to 31/03/2013 and on perusal of said bank statement, the Committee noted that there was no payment of challans were made to RoC, which was claimed to be made in respect of filing of these Forms 32.
- 7.4 Further, the Committee noted that the Respondent has initiated appropriate actions for forgery of DSC, as he had already responded to the RoC in this regard that his DSC were misused, and he has no knowledge of said Company or its directors.
- 7.5 Moreover, the Committee noted that the challans for these Forms 32 were paid by a person named *Krishan Kumar Aggarwal* at an address in Janakpuri, New Delhi, however, address of the Respondent pertains to Faridabad, Haryana and he has no other office address as mentioned in these challans.
- 7.6 The Committee noted that the Respondent has denied any association with the company in question, its directors, or the certification of the contentious Forms. The Respondent has submitted substantial documentary evidence, including a detailed comparison of the digital signature properties, which clearly demonstrates that the digital signature used in the alleged fraudulent activities does not match his genuine digital signature. The Respondent's digital signature profile, as presented in his submissions, contains distinct characteristics, including a different email ID, address, and validity period, which are inconsistent with the digital signature used in the contentious Forms. The Committee observed that this was corroborated by the Respondent's bank statements, which show no transactions related to the payment of filing the said Forms, further supporting his claim of non-involvement.
- 7.7 The Committee also noted the Respondent had reported the misuse of his digital signature to the police and other relevant authorities. The Respondent filed a police complaint in 2013, providing detailed evidence of the misuse of his digital signature and membership details by an individual with a similar name. Despite the



Respondent's repeated complaints and provision of evidence, the law enforcement agencies failed to conduct a thorough investigation into the matter.

- 7.8 The Committee noted that the inspection report submitted by the Registrar of Companies (ROC) mentioned about the Respondent's denial of certifying the contentious Forms and recommended further inquiry into the matter through the E-Governance Cell to verify the Respondent's claims. However, such an inquiry was not completed.
- 7.9 The Committee observed that the evidence provided by the Respondent, including the police complaint and the comparison of digital signature properties, supported the conclusion that the fraudulent activities were carried out by an individual who created a fabricated digital signature and impersonated the Respondent. The Committee was of the view that the evidence provided by the Respondent establish that he was not involved in the alleged activities. The Committee, therefore, concluded that there was no corroborative evidence to demonstrate that the Respondent was not a victim of cybercrime. In view of the same, the Committee opined that there was no evidence directly linking the Respondent to the alleged certification of Form-32, and thus the allegation against the Respondent is unfounded.
- 7.10 On the basis of above, the Committee was of the considered view that there is no corroborated evidence on record, which could establish that the Respondent was involved in filing of these Forms 32 for appointment of directors of the Company.
- 7.11 In view of the above, the Committee held the Respondent **NOT GUILTY** of Professional Misconduct" falling within the meaning of Clause (7) of Part I of the Second Schedule to the Chartered Accountants Act, 1949.

8 Conclusion:

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

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Charges (as per PFO)	Findings	Decision of the Committee
Para 2.1 as given above	Paras 7.1 to 7.11 as given above	NOT GUILTY – as per clause (7) of Part I of the of Second Schedule

- 9 In view of the above observations, considering the oral and written submissions of the parties and material on record, the Committee held the Respondent **NOT GUILTY** of Professional Misconduct falling within the meaning of Clause (7) of Part-I of Second Schedule to the Chartered Accountants Act, 1949.

Order

- 10 Accordingly, in terms of Rule 19(2) of the Chartered Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007, the Committee passes an Order for Closure of this case against the Respondent.

Sd/-
(CA. PRASANNA KUMAR D)
PRESIDING OFFICER

Sd/-
(ADV. VIJAY JHALANI)
GOVERNMENT NOMINEE

Sd/-
(CA. MANGESH P KINARE)
MEMBER

Sd/-
(CA. SATISH KUMAR GUPTA)
MEMBER

DATE: 21st January 2026

PLACE: Noida

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भारतीय सशस्ती लेखाकार संस्थान
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