



# भारतीय सनदी लेखाकार संस्थान

(संसदीय अधिनियम द्वारा स्थापित)

THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA

(Set up by an Act of Parliament)

PPR/MISC/TAQRB/138/2023/DD-49/TAQRB-INF-2023/DC-2111-2025

## [DISCIPLINARY COMMITTEE [BENCH-II (2025-2026)]]

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

### ORDER UNDER SECTION 21B (3) OF THE CHARTERED ACCOUNTANTS ACT, 1949 READ WITH RULE 19(1) OF THE CHARTERED ACCOUNTANTS (PROCEDURE OF INVESTIGATIONS OF PROFESSIONAL AND OTHER MISCONDUCT AND CONDUCT OF CASES) RULES, 2007

File No: PPR/MISC/TAQRB/138/2023/DD-49/TAQRB-INF-2023/DC-2111-2025

In the matter of:

CA. Jayesh Parakh (M. No. 127245),  
215, Bhamasha Marg  
Mukherji Chowk  
Udaipur, Rajasthan – 313001.

.....Respondent

Members Present: -

CA. Charanjot Singh Nanda, Presiding Officer (in Person)  
CMA. Chandra Wadhwa, Government Nominee (in Person)  
CA. Mahesh Shah, Government Nominee (in Person)  
CA. Pramod Jain, Member (in Person)  
CA. Ravi Kumar Patwa, Member (through videoconferencing)

Date of Hearing : 10<sup>th</sup> February 2026

Date of Order : 11<sup>th</sup> February 2026

1. The Disciplinary Committee vide its Findings dated 6<sup>th</sup> February 2026 under Rule 18(8) of the Chartered Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007 was, inter-alia, of the opinion that CA. Jayesh Parakh (M. No. 127245), Udaipur (hereinafter referred to as the 'Respondent') is GUILTY of Professional Misconduct falling within the meaning of Item (1) of Part II of the Second Schedule to the Chartered Accountants Act, 1949.
2. Pursuant to the said Findings, an action under Section 21B (3) of the Chartered Accountants (Amendment) Act, 2006 was contemplated against the Respondent and a communication dated 6<sup>th</sup> February 2026 was addressed to him thereby granting opportunity of being heard in person / through video conferencing and to make representation before the Committee on 10<sup>th</sup> February 2026.



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3. The Respondent was present before the Committee on 10<sup>th</sup> February 2026 through video conferencing and made his verbal representation on the Findings of the Disciplinary Committee, inter-alia, requested the Committee to consider his sincere apologies for this mistake which occurred inadvertently and such ignorance under mistaken belief unintentionally. He therefore requested the Hon'ble Committee to take a lenient view and kindly condone the bonafide error.
4. The Committee considered the reasoning as contained in the Findings holding the Respondent Guilty of Professional Misconduct vis-à-vis representation of the Respondent.
5. Keeping in view the facts and circumstances of the case and material on record including representation of the Respondent on the Findings, the Committee noted the following factual position in the present case: -

No. of tax audit conducted	Status of Certificate of Practice at the time of alleged misconduct	Status of admission of guilt of the Respondent
2 (1 original and other revised one uploaded, as claimed by the Respondent)	Part time Certificate of Practice	Admission of Guilt before the Committee at the time of hearing on 30 <sup>th</sup> December 2025 as well as in the written submissions before the Committee/Director (Discipline)/Secretary (ICAI)

Thus, the Committee held that the Respondent despite holding Part time Certificate of Practice, undertook and uploaded Tax Audit Report under Section 44AB of the Income Tax Act 1961 in respect of 1 assessee (1 original and other revised one uploaded, as claimed by the Respondent). The Committee also held that the certification of a Tax Audit Report is a statutory audit function, which is expressly permitted only to members holding a full-time Certificate of Practice. By undertaking such an assignment while being ineligible to do so, the Respondent contravened the provisions of the Chartered Accountants Act, 1949 and the Regulations framed thereunder.

6. Hence, professional misconduct falling within the meaning of Item (1) of Part II of the Second Schedule to the Chartered Accountants Act, 1949 on the part of the Respondent is clearly established as held in the Committee's Findings dated 6<sup>th</sup> February 2026 which is to be read in consonance with the instant Order being passed in the case.

*[Signature]*



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7. Accordingly, the Committee was of the view that ends of justice will be met if punishment is given to the Respondent in commensurate with his Professional Misconduct.
8. Thus, the Committee, keeping in view the facts and circumstances of the case, material on record and representation of the Respondent before it, ordered that CA. Jayesh Parakh (M. No. 127245), Udaipur, be Reprimanded under Section 21B(3)(a) of the Chartered Accountants Act 1949.

Sd/-

(CA. CHARANJOT SINGH NANDA)  
PRESIDING OFFICER

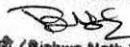
Sd/-  
(CMA. CHANDRA WADHWA)  
GOVERNMENT NOMINEE

Sd/-  
(CA. MAHESH SHAH)  
GOVERNMENT NOMINEE

Sd/-  
(CA. PRAMOD JAIN)  
MEMBER

Sd/-  
(CA. RAVI KUMAR PATWA)  
MEMBER

सत्यपापित होने के लिए प्रमाणित / Certified to be True Copy

  
बिश्वनाथ तिवारी / Bishwa Nath Tiwari  
सenior Executive Officer / Senior Executive Officer  
अनुशासनाधारक निदेशकलय / Disciplinary Directorate  
भारतीय सनदी लेखाकार संस्थान  
The Institute of Chartered Accountants of India  
गाँधी रोड, नवल, सी-१, सेक्टर-१, नोएडा-२०१३०१ (U.P.)  
AI Bhawan, C-1, Sector-1, Noida-201301 (U.P.)

**CONFIDENTIAL**

**DISCIPLINARY COMMITTEE [BENCH – II (2025-26)]**  
**[Constituted under Section 21B of the Chartered Accountants Act, 1949]**

**Findings under Rule 18(8) of the Chartered Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007**

**[PPR/MISC/TAQRB/138/2023/DD-49/TAQRB-INF-2023/DC-2111-2025]**

**In the matter of:**

**CA. Jayesh Parakh (M. No. 127245),  
215, Bhamasha Marg  
Mukherji Chowk  
Udaipur, Rajasthan – 313001.**

**...Respondent**

**MEMBERS PRESENT:**

**CA. Charanjot Singh Nanda, Presiding Officer (in person)  
CMA. Chandra Wadhwa, Government Nominee (through videoconferencing)  
CA. Mahesh Shah, Government Nominee (in person)  
CA. Pramod Jain, Member (in person)  
CA. Ravi Kumar Patwa, Member (in person)**

**Date of Final Hearing: 30<sup>th</sup> December 2025**

**Date of decision taken: 7<sup>th</sup> January 2026**

**PARTIES PRESENT (through videoconferencing):**

**CA. Jayesh Parakh (M. No. 127245)**

**1. BACKGROUND OF THE CASE:**

1.1 The Committee noted that in the year 2011 the Central Board of Direct Taxes (CBDT) had provided information to the ICAI relating to the Tax Audit reports filed in 2010-11 by its members. Thereafter, vide office note dated 30<sup>th</sup> December 2022, the Secretary, Taxation Audits Quality Review Board (hereinafter referred to as "Informant/ TAQRB") forwarded recommendation of the Council on 'Audits reportedly conducted by members not holding COP/ members holding Part time COP/ Members whose name had been removed from the Register of Members' to the Disciplinary Directorate. The said note of TAQRB alleged regarding certification of Tax Audit Report despite holding Part Time Certificate of Practice (COP) during the financial year 2010-11 against against CA. Jayesh Parakh (M. No. 127245), Udaipur (hereinafter referred to as the "Respondent").

2. **CHARGE IN BRIEF:**

S.No.	Charge(s)	Prima Facie Opinion of the Director (Discipline)	Applicable Item of the Schedule to the Chartered Accountants Act 1949
1.	The Respondent conducted Tax Audit under Section 44AB of the Income Tax Act, 1961 and uploaded his Report against his membership number despite having Part Time Certificate of Practice (COP) during the financial year 2010-11.	Guilty	Item (1) of Part II of the Second Schedule

3. **RELEVANT ISSUES DISCUSSED IN THE PRIMA FACIE OPINION DATED 8<sup>TH</sup> MAY 2025, FORMULATED BY THE DIRECTOR (DISCIPLINE) IN THE MATTER IN BRIEF, ARE GIVEN BELOW: -**

3.1 **With respect to charge that the Respondent conducted Tax Audit under Section 44AB of the Income Tax Act, 1961 and uploaded his Report against his membership number despite having Part Time Certificate of Practice (COP) during the financial year 2010-11:**

3.1.1 As per the provisions mentioned in Section 6(1) of the Chartered Accountants Act, 1949 read with the decision of the Council at its 241<sup>st</sup> meeting held in March 2004 which was effective from 1<sup>st</sup> April 2005, any member in part-time practice (namely, holding certificate of practice and is also engaging himself in any other business and/or occupation) is not entitled to perform attest function and that the resolution has been passed by the Council in pursuance of provision of Regulation 190A.

3.1.2 The Respondent in his submissions dated 7th March 2012 admitted that he certified one tax audit report despite having part time COP. He submitted that as per the details provided, it shows that he has certified two tax audit reports, however the same is due to the reason that the said tax audit report was revised. He further admitted that such certification was done out of ignorance about the resolution passed by the Council under Regulation 190A.

3.1.3 It was observed that the above-mentioned provisions became effective from 1<sup>st</sup> April 2005 and the tax audits in question were conducted by the Respondent in financial year 2010-11 i.e., almost after 6 years. Further being a professional, the Respondent is required to keep himself updated with all the Rules/Regulations being in force. Hence, the contention of the Respondent cannot be accepted that the alleged misconduct was done out of ignorance of law and was an inadvertent mistake.

3.2 Accordingly, the Director (Discipline) in his Prima Facie Opinion held the Respondent Guilty of Professional Misconduct falling within the meaning of Item (1) of Part II of the Second Schedule. The said Item of the Schedule to the Act, state as under:

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**Item (1) of Part II of Second Schedule:**

*PART II: Professional misconduct in relation to members of the Institute generally*

*A member of the Institute, whether in practice or not, shall be deemed to be guilty of professional misconduct, if he-*

*"(1) contravenes any of the provisions of this Act or the regulations made thereunder or any guidelines issued by the Council"*

3.3 The Prima Facie Opinion formed by the Director (Discipline) was considered by the Disciplinary Committee at its meeting held on 13<sup>th</sup> October 2025. The Committee on consideration of the same, concurred with the reasons given against the charge 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 Item (1) of Part II 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:**

4.1 The relevant details of the filing of documents in the instant case by the parties are given below:

<b>S. No.</b>	<b>Particulars</b>	<b>Date</b>
1.	Date of 'Information' letter	28 <sup>th</sup> July 2023
2.	Date of Written Statement filed by the Respondent	18 <sup>th</sup> August 2023
3.	Date of Prima Facie Opinion Formed by Director (Discipline)	8 <sup>th</sup> May 2025
4.	Written Submissions by the Respondent after Prima Facie Opinion	12 <sup>th</sup> December 2025

**5. WRITTEN SUBMISSIONS FILED BY THE RESPONDENT:**

5.1 The Respondent in his e-mail dated 12<sup>th</sup> December 2025 pursuant to prima facie opinion inter-alia submitted that only one tax audit report was signed by him on 31<sup>st</sup> May 2011 where he was holding a part-time COP, under bonafide belief regarding the permissibility of signing audit reports on a part-time basis as he was holding Part time COP from 10<sup>th</sup> November 2009. The mention of two audit reports was found to have occurred due to the filing of a revised return by the assessee, resulting in duplication of the same audit report as one report was filed for Mr. Harbhajan Singh which was revised and was filed for Prop. Harbhajan Marble. The lapse was unintentional and occurred due to lack of proper understanding of the applicable provisions at the relevant time. He sincerely apologized for this mistake which occurred inadvertently and such ignorance under mistaken belief unintentionally. He apologized for the same and in view of aforesaid he may be pardoned. After that he never did this type of mistake even though he continued his part-time COP and paid fees for full time COP to Institute.

**6. BRIEF FACTS OF THE PROCEEDINGS:**

6.1 The Committee noted that the instant case was fixed for hearing on following dates:

<b>S.No.</b>	<b>Date</b>	<b>Status of Hearing</b>
1.	30.12.2025	Heard and concluded
2.	07.01.2026	Final decision taken on the conduct of Respondent

6.2 At the time of hearing held on 30<sup>th</sup> December 2025, the Committee noted that the Respondent was administered on Oath. The Committee enquired from the Respondent as to whether he was aware of the charge(s) alleged against him to which he replied in the affirmative. **He also pleaded Guilty to the charge(s) levelled against him.**

Looking into the fact that the Respondent pleaded guilty to the charge(s) levelled against him, in terms of the following provisions of Rule 18(8) of the Chartered Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007, the Committee decided to conclude the hearing in the case :

**"18. Procedure to be followed by the Committee**

*(8) If the respondent pleads guilty, the Committee shall record the plea and take action as per provisions under Rule 19."*

The Committee also directed the office to seek the current membership status of the Respondent from the SSP of ICAI. Thus, the decision on the conduct of the Respondent was kept reserved by the Committee.

6.3 At the time of meeting held on 7<sup>th</sup> January 2026, the Committee noted that the Respondent held a Part-time Certificate of Practice during the alleged period and currently is an active member of ICAI holding Part-time Certificate of Practice. The Committee further noted that the Respondent vide communication dated 12<sup>th</sup> December 2025 provided his submissions, wherein he stated that he came to know later, that a Chartered Accountant (CA) with Part time COP cannot sign the Audit Report whereas he had signed only one Audit Report long back on 31.05.2011 with the impression that he can work and sign on part time basis as he was holding Part time COP dated 10/11/2009. He further stated that only one Report of Mr. Harbhajan Singh, proprietor (Harbhajan Marble) was signed by him and the same is coming two times because the return by assessee was revised which was repetition of mention of previous Audit Report. He further stated that after that he never repeated this type of mistake. Thus, he requested the Committee to consider his sincere apologies for this mistake which occurred inadvertently and such ignorance under mistaken belief unintentionally.

6.4 Thus, the Committee, on consideration of the facts of the case vis-a-vis documents/submissions available on record and plea of the Respondent recorded under Rule 18(8) of the Chartered Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007, decided on the conduct of the Respondent.

**7. FINDINGS OF THE COMMITTEE: -**

7.1 At the outset, the Committee noted that the charge against the Respondent is that he conducted Tax Audit under Section 44AB of the Income Tax Act, 1961 and uploaded his Report against his membership number despite having Part Time Certificate of Practice (COP) during the financial year 2010-11.

7.2 The Committee in this regard noted that Section 6(1) of the Chartered Accountants Act, 1949 states as under:

*"No member of the Institute shall be entitled to practice [whether in India or elsewhere] unless he has obtained from the Council a certificate of practice."*

7.3 The Committee also noted that the Council at its 241<sup>st</sup> meeting held in March 2004 decided that effective from 1<sup>st</sup> April 2005, any member in part-time practice (namely, holding certificate of practice and is also engaging himself in any other business and/or occupation) is not entitled to perform attest function and that the resolution passed under Regulation 190A. The Council in this connection clarified that the Attest function would cover services pertaining to audit, review, certification, agreed upon procedures, and compilation, as defined in the Framework of Statements on Standard Auditing Practices and Guidance Note on Related Services published in the July 2001 issue of the Institute's Journal.

7.4 The Committee also noted the following factual position in the case:

No. of Tax audit conducted	Status of Certificate of Practice at the time of alleged misconduct	Status of admission of guilt of the Respondent
2 (1 original and other revised one uploaded, as claimed by the Respondent)	Part time Certificate of Practice	Admission of Guilt before the Committee at the time of hearing on 30 <sup>th</sup> December 2025 as well as in the written submissions before the Committee/Director(Discipline)/Secretary(ICAI)

7.5 Thus, the Committee held that the Respondent, despite holding a part-time Certificate of Practice, undertook and uploaded Tax Audit Report under Section 44AB of the Income Tax Act, 1961 in respect of 1 assessee (1 original and other revised one uploaded, as claimed by the Respondent). The Committee also held that the certification of a Tax Audit Report is a statutory audit function, which is expressly permitted only to members holding a full-time Certificate of Practice. By undertaking such an assignment while being ineligible to do so, the Respondent contravened the provisions of the Chartered Accountants Act, 1949 and the Regulations framed thereunder.

7.6 Thus, on consideration of the documents and submissions on record, the Committee noted that the Respondent not only in his submissions admitted his guilt/misconduct but also at the time of hearing on 30<sup>th</sup> December 2025, on being asked by the Committee, pleaded guilty to the charge levelled against him. Accordingly, the Committee ~~in accordance with the provisions of~~ of Chartered Accountants (Procedure of Investigations, of Professional and Other Misconduct and Conduct of Cases) Rules, 2007 recorded the plea of guilt of the Respondent and decided to hold him **Guilty** of Professional Misconduct falling within the meaning of Item (1) of Part II of Second Schedule to the Chartered Accountants Act, 1949.

8. **CONCLUSION:**

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

CHARGE (AS PER PFO)	FINDINGS	DECISION OF THE COMMITTEE
S.no. 1 of Para 2 as above	Para 7.1 to Para 7.6 as above	<b>Guilty- Item (1) of Part II of Second Schedule</b>

9. In view of the above observations, considering the oral and written submissions and material on record, the Committee held the Respondent **GUILTY** of Professional Misconduct falling within the meaning of Item (1) of Part II of Second Schedule to the Chartered Accountants Act, 1949.

Sd/-  
(CA. CHARANJOT SINGH NANDA)  
PRESIDING OFFICER

Sd/-  
(CMA. CHANDRA WADHWA)  
(GOVERNMENT NOMINEE)

Sd/-  
(CA. MAHESH SHAH)  
(GOVERNMENT NOMINEE)

Sd/-  
(CA. PRAMOD JAIN)  
(MEMBER)

Sd/-  
(CA. RAVI KUMAR PATWA)  
(MEMBER)

DATE: 06.02.2026  
PLACE: NEW DELHI

सत्यापित होने के लिए प्रमाणित / Certified to be True Copy

मीमू गुप्ता / Meenu Gupta  
वारिट चार्यकारी अधिकारी / Sr. Executive Officer  
वन्दुसालकारक निदेशन / Disciplinary Directorate  
कार्यालय समीक्षा लेखाकार संघरण  
The Institute of Chartered Accountants of India  
आई.सी.ए.आई. भवन, सी-१, सेक्टर-१, नोएडा-२०१३०१ (उ.प.)  
ICAI Bhawan, C-1, Sector-1, Noida-201301 (U.P.)