



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/115/2023/DD/31/TAQRB/INF/2023/DC-2122-2025

[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/115/2023/DD/31/TAQRB/INF/2023/DC-2122-2025

In the matter of:

CA. Shah Sanmit Pramodchandra (M. No. 039691),
45, Karma-Kshetra, D-II Wing
Near Shanmukhananda Hall
Flank Road
Mumbai – 400037.

.....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 : 10th February 2026

Date of Order : 11th February 2026

1. The Disciplinary Committee vide its Findings dated 6th 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. Shah Sanmit Pramodchandra (M. No. 039691), Mumbai** (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 6th 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 10th February 2026.



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3. The Respondent was present before the Committee on 10th 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 and take a lenient view.
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	Part time Certificate of Practice	Admission of Guilt before the Committee at the time of hearing on 30 th 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 a part-time Certificate of Practice, undertook and uploaded Tax Audit Report under Section 44AB of the Income Tax Act, 1961 in respect of 2 assessee(s). 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 6th February 2026 which is to be read in consonance with the instant Order being passed in the case.
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.



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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. Shah Sanmit Pramodchandra (M. No. 039691), Mumbai 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

सत्यापित होने के लिए प्रमाणित / Certified to be True Copy

Bijaya
विष्णुनाथ तिवारी / Bishnu Nath Tiwari
वरिष्ठ कार्यकारी अधिकारी / Senior Executive Officer
अनुशासनात्मक निदेशालय / Disciplinary Directorate
भारतीय सनदी लेखाकार संस्थान
The Institute of Chartered Accountants of India
ई.सी.ए.आई., भवन, सी-१, सेक्टर-१, नोएडा-२०१३०१ (उ.प.)
Al 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/115/2023/DD/31/TAQRB/INF/2023/DC-2122-2025]

In the matter of:

**CA. Shah Sanmit Pramodchandra (M. No. 039691),
45, Karma-Kshetra, D-II Wing
Near Shanmukhananda Hall
Flank Road
Mumbai – 400037.**

...Respondent

MEMBERS PRESENT (in person):

**CA. Charanjot Singh Nanda, Presiding Officer
CA. Mahesh Shah, Government Nominee
CA. Pramod Jain, Member
CA. Ravi Kumar Patwa, Member**

Date of Final Hearing: 30th December 2025

Date of decision taken: 7th January 2026

PARTIES PRESENT (through videoconferencing):

CA. Shah Sanmit Pramodchandra (M. No. 039691)

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 30th 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 certification of Tax Audit Report despite holding Part Time Certificate of Practice (COP) during the financial year 2010-11 against CA. Shah Sanmit Pramodchandra (M. No. 039691), Mumbai (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 30th APRIL 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 241st meeting held in March 2004 which was effective from 1st 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 6th March 2012 submitted that in 2008 he applied for part time COP due to employment in private organization. He admitted that he had certified two tax audit reports despite having part time COP and submitted that the same was done due to ignorance and oversight of the amendment passed by the Council.

3.1.3 Though, in present case, the number of Audit reports uploaded is 2 only, yet it is viewed that the highest standards of ethical behaviour and professional compliance to the Guidelines prescribed are expected from the members of the profession and violation of any Rules/ Regulations/ Guidelines is not acceptable.

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, states as under:

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 13th 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:

S. No.	Particulars	Date
1.	Date of 'Information' letter	30 th June 2023
2.	Date of Written Statement filed by the Respondent	7 th July 2023
3.	Date of Prima Facie Opinion Formed by Director (Discipline)	30 th April 2025
4.	Written Submissions by the Respondent after Prima Facie Opinion	11 th December 2025

5. WRITTEN SUBMISSIONS FILED BY THE RESPONDENT:

5.1 The Respondent in his submissions dated 11th December 2025, inter-alia, submitted as under:

- (a) He had qualified as a member of the Institute in 1987, and since then he was holding a full-time Certificate of Practice (COP) but during the alleged period the Respondent was on a full-time employment with a private company and hence opted for a part-time Certificate of Practice (COP).
- (b) During the financial year 2010-11, he completed and signed two tax audit reports while holding a "part-time" Certificate of Practice (COP) issued by the Institute.
- (c) At the relevant time, he was not aware of the amendments made effective from 01st April 2005, which restricted members holding a part-time COP from conducting tax audits or issuing related certificates.
- (d) Accordingly, the tax audit reports were signed inadvertently and without full awareness of the amended provisions.
- (e) The assignments were conducted in good faith without any malafide intention of breaching the Regulations set forth by the Council.
- (f) Inadvertently out of ignorance and oversight, the Respondent did violate a Regulation of the Council but that was absolutely unintentional and unintended.

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- (g) He too has the highest respect for his profession as well as the Institute and he would neither do nor tolerate anything that would bring disrespect or disregard to his profession or to the Institute by anyone in any manner. But then, mistakes do happen inadvertently, as is this case, which the Respondent has admitted and accepted it from the very beginning ever since it was brought to his attention in 2012.
- (h) At no stage during the proceedings, has the Respondent ever denied or disputed the said "Information", but in fact, has very promptly and factually responded to all the communication from the Institute.

6. BRIEF FACTS OF THE PROCEEDINGS:

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

S.No.	Date	Status of Hearing
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 30th December 2025, the Committee noted that the Respondent was present before it through video conferencing and 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.**

6.3 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.

6.4 At the time of meeting held on 7th 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 full-time Certificate of Practice.

6.5 Thus, the Committee, on consideration of the facts of the case vis-a-vis documents/submissions available on record and the 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.

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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 241st meeting held in March 2004 decided that effective from 1st 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	Part time Certificate of Practice	Admission of Guilt before the Committee at the time of hearing on 30 th 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 2 assessee(s). 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 Accordingly, the Committee in terms of Rule 18(8) 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	Guilty- Item (1) of Part II of the Second Schedule

9. In view of the above observations, considering the 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 the Second Schedule to the Chartered Accountants Act, 1949.

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

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

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

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

DATE: 06.02.2026
PLACE: NEW DELHI

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Geetha
गीता अनिलदत्त कुमार / Geetha Aniladutt Kumar
कार्यकारी अधिकारी / Executive Officer
अनुशासनस्थलक निवेशालय / Disciplinary Directorate
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