



भारतीय सनदी लेखाकार संस्थान

(संसदीय अधिनियम द्वारा स्थापित)

THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA

(Set up by an Act of Parliament)

[DISCIPLINARY COMMITTEE [BENCH-I (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.

[PR/196/2022/DD/263/2022/DC/1931/2024]

In the matter of: -

Sh. Arun Kumar Khandelia
Resolution Professional
M/s Mohan Motor Dealers Pvt. Lid.
8, Camac Street, Shantiniketan Building
8th Floor, Room No. 807
Kolkata-700017

.....Complainant

Versus

CA. Ram Awatar Dhoot (M No. 054045)
29B, Rabindra Sarani
3rd Floor, Room No. 10E
Kolkata-700073

.....Respondent

MEMBERS PRESENT: -

1. CA. Prasanna Kumar D, Vice President, ICAI & Presiding Officer (Through VC)
2. Ms. Rani S. Nair, IRS (Retd.) (Government Nominee) (Through VC)
3. Shri Ajaib Singh, IA&AS (Retd.) (Government Nominee) (In Person)
4. CA. Chandrashekhar Vasant Chitale, Member (In Person)
5. CA. Vishnu Kumar Agarwal (Through VC)

Date of Hearing : 22.01.2026

Date of Order : 05.02.2026

As

CA. Ram Awatar Dhoot (M No. 054045), West Bengal



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1. That vide findings dated 22nd December 2025 issued under Rule 18(17) of the Chartered Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007, the Disciplinary Committee was inter-alia of the opinion that **CA. Ram Awatar Dhoot (M. No. 054045)** (hereinafter referred to as the **Respondent**) is **GUILTY** of Professional Misconduct falling within the meaning of Item (7) of Part I of Second Schedule to the Chartered Accountants Act, 1949.
2. That pursuant to the said findings, an action under Section 21B(3) of the Chartered Accountants (Amendment) Act, 2006 was contemplated against the Respondent and communication was addressed to him thereby granting him an opportunity of being heard in person / through video conferencing and to make his written & verbal representation before the Committee on 22nd January 2026.
3. The Committee noted that on the aforesaid date of the hearing held on 22nd January 2026, the Respondent has placed his adjournment request stating that he is having a parallel Securities Appellate Tribunal (SAT) hearing at the same time. The Committee noted that on earlier occasion also, the Respondent has placed his adjournment request on same ground. Considering that since an adjournment has already been provided to the Respondent in hearing held on 20th January 2026, the Committee did not accede to his request and decided to proceed in the matter on the basis of documents & submissions available on record. The Committee noted that the Respondent vide his submissions dated 10.01.2026 has inter-alia made following written submissions to the findings of the Committee:
 - i. That the alleged lapses are purely technical and clerical in nature and are without any mala fide intent, wrongful gain, or loss caused to any stakeholder.
 - ii. That the uploaded documents on the MCA portal were handled by the Client/ ROC consultant, and inadvertent uploading of unsigned or incomplete attachments cannot, by itself, constitute gross negligence on his part.
 - iii. That the Audited Financial Statements were duly prepared and signed, and the alleged discrepancies arose due to post-audit handling and technical issues beyond his control.
 - iv. That there is no nexus between the alleged lapses and default of Loan.
4. The Committee noted that in the instant case, the Complainant has alleged wrongful preparation and certification of the Financial Statements of the subject Company by the Respondent for the financial years 2018-19 and 2019-20. Upon perusal of the records, including e-form AOC-4 and the financial statements uploaded on the MCA portal, the Committee observed several irregularities such as absence of Notes to Accounts,



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missing signatures on the financial statements for FY 2019-20, incorrect calculation of Reserve & Surplus and Net Worth, and non-mentioning of UDIN despite it being mandatory. The Committee noted that the Respondent had attributed these lapses to his junior staff; however, the Committee viewed that the ultimate responsibility for accuracy and compliance of the audit report and certifications rests solely with the Respondent, who failed to exercise due diligence while certifying the financial statements.

The Committee further noted that the Respondent also failed to justify the financial figures reported in the financial statements and was unable to produce the audit records and documents relied there upon, citing deletion and tampering of data. The Committee observed that maintaining sufficient and appropriate audit evidence is a fundamental duty of an auditor and non-availability of such records reflects gross negligence and lack of due diligence on his part.

5. The Committee concurred with the reasoning as contained in the findings dated 22nd December 2025 holding the Respondent **GUILTY** of Professional Misconduct falling within the meaning of Item (7) of Part I of Second Schedule to the Chartered Accountants Act, 1949.
6. Keeping in view the facts and circumstances of the case and the material on record including written submissions of the Respondent on the findings of the Committee, the Committee ordered that the Respondent, CA. Ram Awatar Dhoot (M No. 054045) be Reprimanded along with a fine of Rs. 1,00,000/- (Rupees One Lacs Only) to be paid within 60 days of receipt of this Order. The Committee also ordered that the name of Respondent i.e., CA. Ram Awatar Dhoot (M. No. 054045) be removed from the Register of Members for a period of 3 (Three) Months.

Sd/-

(CA. Prasanna Kumar D)
PRESIDING OFFICER

Sd/-

(Ms. Rani S. Nair, IRS (Retd.))
GOVERNMENT NOMINEE

Sd/-

(Shri Ajaib Singh, IA&AS (Retd.))
GOVERNMENT NOMINEE

Sd/-

(CA. Chandrashekhar Vasant Chitale)
MEMBER

Sd/-

(CA. Vishnu Kumar Agarwal)
MEMBER

DATE: 05.02.2026

PLACE: New Delhi

सत्यापित होने के लिए प्रमाणित / Certified to be True Copy

अरुण कुमार / Arun Kumar

सीनियर कार्यकारी अधिकारी / Sr. Executive Officer

अनुशासनात्मक निदेशालय / Disciplinary Directorate

भारतीय सनदी लेखाकार संस्थान

The Institute of Chartered Accountants of India

CA. Ram Awatar Dhoot (M No. 054045), Web: www.icaai.org, भवन, सी-1, सेक्टर-1, नोएडा-201301 (उ.प्र.)

ICAI Bhawan, C-1 Sector-1, Noida-201301 (U.P.)

CONFIDENTIAL

DISCIPLINARY COMMITTEE [BENCH – I (2025-2026)]
[Constituted under Section 21B of the Chartered Accountants Act, 1949]

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

Ref. No. – [PR/196/2022/DD/263/2022/DC/1931/2024]

In the matter of:

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..... Respondent

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- i) CA. Prasanna Kumar D, Vice President, ICAI & Presiding Officer (In Person)
- ii) Ms. Rani S. Nair, IRS (Retd.) (Government Nominee) (In Person)
- iii) Shri Ajaib Singh, IA&AS (Retd.) (Government Nominee) (In Person)
- iv) CA. Chandrashekhar Vasant Chitale, Member (In Person)

DATE OF FINAL HEARING : 23-10-2025
PLACE OF FINAL HEARING : Noida

PARTIES PRESENT:

Respondent : **CA. Ram Awatar Dhoot**
(through video conferencing)

1. **BRIEF OF THE DISCIPLINARY PROCEEDINGS: -**

i) **Brief of the Disciplinary Proceedings held on 24th July 2025**

On the day of first hearing held on 24th July 2025, the Committee noted that neither the Complainant nor the Respondent was present at the time of hearing. It was further noted no adjournment request was received from any of the parties. Considering that the case was listed for the first time and that parties were not present, the Committee decided to adjourn the matter to a future date. With this, the hearing in the matter was **adjourned due to non-availability of the Complainant and the Respondent.**

ii) **Brief of the Disciplinary Proceedings held on 20th August 2025**

On the day of hearing held on 20th August 2025, the Committee noted that the Complainant vide his email dated 19th August 2025 placed his adjournment request owing to an urgent medical emergency. However, the Respondent was present through VC. Thereafter, the Respondent was put on oath. On being enquired from the Respondent as to whether he has received a copy of Prima Facie Opinion formed by Director (Discipline), he replied that he has received the copy of Prima Facie Opinion. On being asked as to whether he is aware of the charges levelled against him and whether he pleads guilty, he replied that he is aware of the charges and pleaded Not Guilty. Thereafter, the Respondent made his detailed submissions on the allegations. After hearing his submission, the Committee also posed questions to the Respondent. The Committee directed the Respondent to provide the following information/ documents to the Committee within 7 days: -

Directions to the Respondent: -

- (i) To inform and substantiate as to whether the figures of Reserve and Surplus appearing in the financials of M/s Mohan Motor Dealers Pvt. Ltd. for the FY 2018-19 & 2019-20 were correctly computed.
- (ii) To explain as to why the attachments of the Form AOC-4 for the FY 2019-20 were submitted without signatures of the Directors and the Auditors.



- (iii) To inform as to whether the Net Worth and the Turnover is correctly reported in AOC-4 of M/s Mohan Motor Dealers Pvt. Ltd. in the FY 2019-20.
- (iv) To inform and substantiate as to whether the figures and the attachments of MGT-7 certified by the Respondent are correct.

With the said direction the Committee decided to adjourn the matter to a future date. Thus, the hearing in the matter was **Part Heard & Adjourned**.

iii) **Brief of the Disciplinary Proceedings held on 17th September 2025**

On the day of hearing held on 17th September 2025, the Committee noted that the Complainant vide his email dated 15th September 2025 requested for adjournment of the case stating that he is not available on the date of hearing. Further the Respondent vide his email dated 15th September 2025 also requested for adjournment of the case stating that he is preoccupied with Statutory Audit and Income Tax filing work. The Committee considered the adjournment request of the Complainant and the Respondent and decided to adjourn the matter to a future date. With this, the hearing in the matter was **adjourned at the request of both the parties**.

iv) **Brief of the Disciplinary Proceedings held on 29th September 2025**

On the day of hearing held on 29th September 2025, the Committee noted that the Complainant vide his email dated 26th September 2025 requested for adjournment of the case on the grounds of Durga Puja holidays. Further the Respondent vide his email dated 19th September 2025 also requested for adjournment of case stating that he is preoccupied with statutory compliance work. The Committee considered the adjournment request of the Complainant and the Respondent and decided to adjourn the matter to a future date. With this the hearing in the matter was **adjourned at the request of both the parties**.

v) **Brief of the Disciplinary Proceedings held on 13th October 2025**

On the day of hearing held on 13th October 2025, the Committee noted that the Complainant vide his email dated 9th October 2025 requested for adjournment of the case stating that his another matter is fixed at NCLT. Further the Respondent vide his email dated 11th October 2025 also requested for adjournment due to Diwali festival. The Committee acceded to the request of both, the Complainant and the Respondent

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and decided to adjourn the matter to a future date. With this the hearing in the matter was **adjourned at the request of both the parties.**

vi) **Brief of the Disciplinary Proceedings held on 23rd October 2025**

On the day of final hearing held on 23rd October 2025, the Committee noted that the Complainant vide his e-mail dated 22nd October 2025 sought adjournment stating that he is not available on the date of hearing. However, the Committee rejected his request directed office to inform him to appear before the bench. However, when he was informed, he chose not to avail this opportunity and did not join the proceedings. Since the Respondent was present through VC, the Committee decided to proceed further with the hearing. The Respondent made his detailed submissions on the allegations. The Committee also posed questions to the Respondent. Thereafter, the Committee perused all the documents available on record along with the Prima Facie Opinion formed by the Director (Discipline). The Committee also considered the detailed written and/or verbal submissions made by the parties. After due deliberations and keeping in view the facts and circumstances of the case, material on record and the verbal and/ or written submissions of the parties, the **Committee decided to conclude the hearing.**

2. **CHARGES IN BRIEF**

The Committee noted that in the Prima Facie Opinion dated 9th July 2024 formed by Director (Discipline) in terms of Rule 9 of the Chartered Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007, the Respondent was held Prima Facie Guilty of Professional Misconduct falling within the meaning of Item (7) of Part-I of Second Schedule to the Chartered Accountants Act, 1949.

Item (7) of Part-I of Second Schedule states as under: -

“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”

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3. **BRIEF BACKGROUND OF THE MATTER AND ALLEGATIONS: -**

In the instant case, the Respondent is reported to be the Statutory Auditor of a Company, namely, M/s Mohan Motor Dealers Pvt. Ltd (hereinafter referred to as the **subject Company**) whereas Paragon Finance Limited (NBFC) was a financial creditor which is reported to have granted a loan of Rs. 25 lakhs to the subject Company during FY 2018-19. It is stated that even though the said loan was renewed multiple times, however, when a post-dated cheque for its repayment was presented by the financier, the same got bounced on account of "insufficient funds". Consequently, the financial creditor filed an application before NCLT seeking Corporate Insolvency Resolution process against the subject Company due to the said non-payment of loan and the Complainant was appointed as a Resolution Professional for the same. It is seen that apart from being the Statutory Auditor of the subject Company, the Respondent was also the certifying professional of various e-forms like AOC-4 etc. On aforesaid background, the Complainant has levelled following allegations against the Respondent:

Allegation No. 1: Wrongful preparation and certification of financial statements of the subject Company by the Respondent. Complainant has highlighting multiple irregularities in the financial statements as uploaded by the subject Company on the MCA Portal for the FY 2018-19 & 2019-20 which are as under:

- The financial statements were found to be unsigned by the Director and Auditors of the Company.
- UDIN, if generated, on the signing date by the Auditor was not found in the Auditor's Report.
- Notes forming part of financial statement of the subject Company for the FY 2019-20 was found missing in the financial statements.
- In respect of FY 2018-19, the Reserves & Surplus figures were found to be incorrectly calculated.
- The date mentioned in the Balance Sheet and Profit & Loss Account for the FY 2019-20 was found to be different from date of Auditor's Report.
- In AOC-4 for FY 2018-19, the Notes to the financial statement was found missing.
- Incorrect figures of Net worth and Turnover was found to be mentioned in Segment III of form AOC-4.

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- MGT-9 was not found for the FY 2018-19 and 2019-20 as required under the Companies Act 2013.

Allegation No. 2: That the Respondent was unable to provide justified answers to financial figures mentioned in the financial statement of the subject Company. Moreover, he also failed to bring on record the documents relied upon by him for the said assignment.

The Committee noted that Director (Discipline) in his Prima Facie Opinion dated 9th July 2024 has held the Respondent Prima Facie Guilty of Professional Misconduct falling within the meaning of Item (7) of Part I of the Second Schedule to the Chartered Accountant Act, 1949.

4. SUBMISSIONS OF THE RESPONDENT

It is observed that the Respondent during the course of hearing and also through his Written Statement has inter-alia made the following submissions in his defence:

- 4.1 That though duly signed financial statements was available in the office, however, the client's ROC consultant has inadvertently uploaded unsigned financial statements on the MCA Portal.
- 4.2 That though UDIN was duly generated and recorded in the UDIN portal, however, the PDF version uploaded by the subject Company do not display the same due to formatting issues. Such technical lapse cannot be regarded as a professional misconduct on his part.
- 4.3 That the Notes to accounts were duly prepared and annexed separately, however, the same was not uploaded by the subject Company in AOC-4 and accordingly, an auditor cannot be held responsible for such lapses on the part of Company's management / ROC Consultant.
- 4.4 That the alleged difference in figures of Reserves & Surplus was clerical in nature however, the underlying accounts were duly verified by him.
- 4.5 That the data entry in AOC-4 was done by subject Company's staff, not by the Auditor who only verifies the figures from the audited financials.



- 4.6 That the data of the subject Company was tempered and deleted from his system and therefore, he was unable to give proper reply to the Complainant.
- 4.7 Paragon Finance Ltd had given loan of Rs. 25 lakhs on the basis of Balance Sheet of the subject Company for the financial year 2017-18 which was not audited by him. Accordingly, he cannot be held responsible for default in repayment of such loan by the subject Company.

5. **FINDINGS OF THE COMMITTEE**

5.1 **Allegation 1: - Wrongful Preparation and Certification of Financial Statements of the subject Company by the Respondent:**

- 5.1.1 The first allegation levelled by the Complainant is that the Respondent had done wrongful preparation and certification of financial statements of the subject Company. Complainant has highlighting multiple irregularities in the financial statements of the subject Company as uploaded on the MCA Portal for the FY 2018-19 & 2019-20.

The Committee noted that the Respondent in his Written Statement has stated that certain drafting work was handled by his junior staff member namely Ms. Aarti Singh, under his supervision. He further submitted that the alleged mistakes were clerical and non-material in nature. He also stated that the service of the said staff was terminated upon discovery of such lapses/ irregularities on her part.

The Committee noted that attributing errors or irregularities to his junior staff, does not absolve Respondent of his responsibility as an auditor or certifying professional since the final responsibility for the accuracy, completeness, and compliance of the audit report and certification rests entirely with the Respondent. The Committee viewed that auditing of financial statements and expressing transparent opinion on the true and fair position of the subject Company to the stakeholders as well as filing return on behalf of an entity, all are critical financial responsibilities of a Chartered Accountant as an auditing and certifying professional and for the reasons stated above, the Respondent was wholly responsible to discharge his assigned duties and accordingly he cannot be allowed to shift his statutory obligations to a junior staff in his office.

- 5.1.2 The Committee also pursued the copies of e-form AOC-4 being brought on record by the Complainant for the financial year 2018-19 (C-42 to C-68) and 2019-20 (C-



15 to C-41). On pursual of the same, the Committee noted that the said e-form AOC-4 for the FY 2018-19 & 2019-20 has been certified by the Respondent (**Refer C-28 & C-55**). The Committee also noted that though the financial statements attached with e-form for the FY 2018-19 has been duly signed by the Directors as well as the Auditor (i.e., Respondent) (**C-67 & C-68**) however, signatures of Directors and Auditor were missing from the financial statements of the subject Company for the FY 2019-20 as affixed with the e-form AOC-4 for the FY 2019-20.

Moreover, Notes to Accounts which is regarded as an integral part of financial statements of any Company was found to be missing in respect of both the financial years i.e., 2018-19 & 2019-20.

The Committee also noted that the Audit report for the FY 2018-19 was certified by the Respondent on 27th July 2019 (**See C-64, 65, 66 & 67**) whereas mentioning of UDIN became mandatory with effect from 1st July 2019. However, for the financial year 2019-20, the Committee noted that the Audit report of the subject Company was signed by the Respondent on 9th December 2020 but the same was found without UDIN (**See C-35, 37, 39. 40 & 41**)

The Committee also noted that in respect of financial year 2019-20, the amount of Reserve & Surplus shown in the Balance Sheet (**C-40**) is wrongly calculated & does not match with the figures of Profit / Loss as contained in the Profit & Loss Account of said financial year (**C-41**).

Moreover, the Committee also noted that incorrect figure of Net Worth has been mentioned under Schedule III of e-form AOC-4 for the FY 2019-20 as certified by the Respondent.

Accordingly, the Committee noted that multiple irregularities were found in e-form AOC-4 as certified by the Respondent for both the financial year 2018-19 & 2019-20. Moreover, the Respondent by attributing such irregularities to his junior staff has indirectly accepted to such discrepancies in the financial statements audited by him as well as in e-form certified by him. Accordingly, the Committee decide to hold Respondent Guilty of instant allegation falling within the meaning of Item (7) of Part I of the Second Schedule to the Chartered Accountant Act, 1949.

5.2 **Allegation 2: - Failure to provide justified answers to financial figures mentioned in the financial statement of the subject Company and also to provide documents relied upon by him for certifying the financial statement of the subject Company**

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5.2.1 The second allegation levelled by the Complainant is that the Respondent was unable to provide justified answers to financial figures mentioned in the financial statement of the subject Company. Moreover, he also failed to bring on record the documents relied upon by him for the said assignment.

The Committee noted that the Respondent in his submissions has mentioned that the data of the subject Company was tempered and deleted from his system and therefore, he was unable to give proper reply to the Complainant. The Committee in this regard noted that as a statutory auditor, it is Respondent's duty to obtain and retain sufficient and appropriate audit evidence to support the opinion expressed in his audit report. The auditor cannot solely rely on the client's data systems. It is his professional responsibility to maintain independent copies, extracts, and audit working papers, which form the foundation of the audit conclusions. Mere contention of the Respondent that the Company's data was tampered and deleted from his system cannot absolve him from his responsibility.

The Committee observed that it is the duty of the Auditor to retain the financial data and audit documentation relied upon by him for forming his audit opinion. The Committee viewed that loss or non-availability of such data indicates a failure on the part of Respondent to maintain proper audit records and demonstrates his gross negligence and lack of due professional care. Moreover, the Respondent's inability to justify the financial figures included in the financial statements audited by him seriously undermines the credibility of his audit report. By not maintaining and producing audit working papers, failing to retain the financial data relied upon during audit, and being unable to substantiate the figures forming the basis of his audit report, the Respondent has demonstrated gross professional negligence in performance of his duties as an Auditor & certifying professional. Accordingly, the Committee decided to hold the Respondent **Guilty** of professional misconduct falling within the meaning of Item 7 of Part I of Second Schedule to the Chartered Accountants Act, 1949.

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6. **CONCLUSION**

Thus, in the considered opinion of the Committee, the Respondent is **GUILTY** of Professional Misconduct falling within the meaning of Item (7) of Part I of Second Schedule to the Chartered Accountants Act, 1949.

Sd/-
(CA. Prasanna Kumar D)
PRESIDING OFFICER

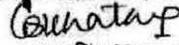
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Sd/-
(CA. Chandrashekhar Vasant Chitale)
MEMBER

DATE: 22.12.2025
PLACE: New Delhi

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चरण सिंह / Charan Singh

कार्यकारी अधिकारी / Executive Officer

अनुशासनात्मक विदेशालय / Disciplinary Directorate

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