[DISCIPLINARY COMMITTEE BENCH-II (2026-2027)]
[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/122/2023/DD-36/TAQRB-INF-2023/DC-2119-2025]

In the matter of:
CA. Sachin Suresh Agrawal (M.No.112963),
5th Floor, Vensco
Krishna Heritage
Above Lankmark Mercedes
Showroom Linking Road
Santacruz (West)
Mumbai – 400054. **...Respondent**

MEMBERS PRESENT:
1. **CMA. Chandra Wadhwa, Government Nominee and Presiding officer (through VC)**
2. **CA. Mahesh Shah, Government Nominee (In person)**
3. **CA. Satish Kumar Gupta, Member (In person)**
4. **CA. Hans Raj Chugh, Member (In person)**

DATE OF HEARING: 11th September 2026

DATE OF PRONOUNCEMENT OF ORDER: 11th September 2026

DATE OF ORDER: 11th September 2026

1. That vide Findings dated 11th February 2026 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. Sachin Suresh Agrawal (M.No.112963)** (hereinafter referred to as the **Respondent**) is **GUILTY** of Professional Misconduct falling within the meaning of Item (1) of Part II 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 an opportunity of being heard in person/ through video conferencing and to make representation before the Committee on 23rd July 2026, 20th August 2026 and 11th September 2026. The Committee noted that the Respondent vide

email dated 20th July 2026 had sought adjournment for the meeting held on 23rd July 2026, which was acceded to by it.

3. The Committee noted that this case was fixed before it for award of punishment under Rule 19(1) of the Chartered Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007. The Committee noted that the Respondent had neither filed any written representation on the Findings of the Committee in captioned case nor appeared before it despite the fact that the notices dated 06.08.2026 and 02.09.2026 were served to him. The Committee further noted that the proviso to Rule 19(1) of afore-stated Rules provides that if the Respondent does not appear for making representation before it at the stage of award of punishment, the Committee shall presume that he has nothing more to represent before it and shall pass order.

4. In view of above facts, the Committee decided that there was no need of granting any further opportunity to the Respondent as sufficient opportunities have already been extended to him. Therefore, the Committee decided to proceed with passing of order in the instant matter, in the absence of the Respondent, on the basis of documents/ material available on record.

5. The Committee considered the reasoning as contained in Findings holding the Respondent 'Guilty' of Professional Misconduct. Thus, keeping in view the facts and circumstances of the case and material on record, the Committee observed that the Respondent was found to have conducted and uploaded three Tax Audit Reports under Section 44AB of the Income Tax Act, 1961 for the financial year 2010-11 (for M/s Prashant Construction, M/s Star Construction, and M/s SM Collection) despite holding only a Part Time Certificate of Practice (COP).

6. In this regard, the Committee noted the provisions of Section 6(1) of the Chartered Accountants Act, 1949, which provides that no member of the institute shall be entitled to practice unless he has obtained from the Council a certificate of practice. The Committee further noted that the Council at its 241st meeting in March 2004 decided that effective from 1st April 2005, members holding a Part Time COP are not entitled to perform attest functions.

7. The Committee also noted that the Respondent in his submissions dated 14th February 2012 addressed to the then Secretary, ICAI, admitted that the tax audit reports of the three companies had been filed under his name. However, during the hearing of the instant case, the Respondent denied having undertaken or certified the tax audits for Financial Year 2010–11, stating that he had assumed the reference was to certain tax audits conducted during

the period 2002–2004. In this regard, the Committee observed that the opening paragraph of the letter of the (then) Secretary, specifically stated that the CBDT provided ICAI with the number of tax audit reports filed for the financial year 2010-11 by members. So, the very foundation of the communication is FY 2010-11. Therefore, the Committee was of the view that the Respondent's claim that he thought that it related to audits conducted during 2002-04 is not acceptable, because the letter itself identifies the relevant year.

8. In view of the above, the Committee held that the Respondent, despite holding a Part-Time Certificate of Practice, had issued tax audit reports under Section 44AB of the Income-tax Act, 1961 for the financial year 2010–11, thereby contravening the provisions of the Chartered Accountants Act, 1949 and the Regulations framed thereunder. Hence, the Professional Misconduct on the part of the Respondent is clearly established as spelt out in the Committee's Findings dated 11th February 2026 which is to be read in consonance with the instant Order being passed in the case.

9. Accordingly, the Committee was of the view that the ends of justice would be met if punishment is given to him in commensurate with his Professional Misconduct.

10. **Thus, the Committee, keeping in view the facts and circumstances of the case and material on record, ordered that CA. Sachin Suresh Agrawal (M.No.112963), Mumbai be Reprimanded and also imposed a fine of Rs. 25,000/- (Rupees Twenty Five Thousand only) upon him, which shall be paid within a period of 60 (sixty) days from the date of receipt of the order.**

Sd/-
(CMA CHANDRA WADHWA)
(GOVERNMENT NOMINEE AND PRESIDING OFFICER)

Sd/-
(CA. MAHESH SHAH)
GOVERNMENT NOMINEE

Sd/-
(CA. SATISH KUMAR GUPTA)
MEMBER

Sd/-
(CA. HANS RAJ CHUGH)
MEMBER

सत्यापित होने के लिए प्रमाणित / Certified to be True Copy
Grover
अंजू ग्रोवर / Anju Grover
सहायक सचिव / Assistant Secretary
अनुशासनात्मक निदेशालय / Disciplinary Directorate
भारतीय सनदी लेखाकार संस्थान
The Institute of Chartered Accountants of India
आई.सी.ए.आई. भवन, सी-1, सेक्टर-1, नोएडा-201301 (उ.प्र.)
ICAI 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/122/2023/DD-36/TAQRB-INF-2023/DC-2119-2025]

In the matter of:
CA. Sachin Suresh Agrawal (M.No.112963)
5th Floor, Vensco
Krishna Heritage
Above Lankmark Mercedes
Showroom Linking Road
Santacruz (West)
Mumbai – 400054. **...Respondent**

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

Date of Final Hearing: 4th February 2026

PARTIES PRESENT (through videoconferencing):
Respondent: CA. Sachin Suresh Agrawal (M.No.112963)

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. On the basis of such information, it was observed that number of tax audit reports were filed by the assesses by quoting fake membership details and also membership number of deceased 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) for the financial year 2010-11 against CA. Sachin Suresh Agrawal (M.No.112963), 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) for 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 20th 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) for 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 to the then Secretary, ICAI dated 14th February 2012 had submitted that said three tax audits mentioned in the letter were indeed filed in his name for the firm/persons, namely M/s Prashant Construction, M/s Star Construction, and M/s SM Collection. He also stated that he may be pardoned for his ignorance and accepted that, as holding part-time COP, he was not eligible to conduct the said Audit.

3.1.3 The Respondent failed to submit his Written Statement in the instant case despite reminder.

3.1.3 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 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 to the Chartered Accountants Act 1949. 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 are given below:

S. No.	Particulars	Date
1.	Date of 'Information' letter	21st July 2023
2.	Date of Written Statement filed by the Respondent	----
3.	Date of Prima Facie Opinion Formed by Director (Discipline)	20th May 2025
4.	Written Submissions by the Respondent after Prima Facie Opinion	----

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

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

S. No.	Date	Status of Hearing
1.	30.12.2025	Adjourned at the request of the Respondent.
2.	07.01.2026	Part heard and adjourned.
3.	25.01.2026	Adjourned due to paucity of time.
4.	04.02.2026	Heard and concluded.

5.2 At the time of hearing held on 30th December 2025, the Committee noted that the Respondent, vide his email dated 28th December 2025, had requested an adjournment on the ground that he is travelling from United States of America and reaching Mumbai on 31st December 2025 at 4.45 am and thus, he is unable to attend the hearing fixed for 30th December 2025. Since the request for adjournment of hearing had been received for the first time, the Committee, keeping in view of the principles of natural justice, acceded to the request of the Respondent for adjournment. Accordingly, the hearing in the case was adjourned at the request of the Respondent.

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5.3 At the time of hearing held on 7th January 2026, 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. However, he pleaded Not Guilty to the charge(s) levelled against him. The Committee, looking into the fact that this was the first hearing, decided to adjourn the hearing in the case to a future date. With this, the hearing in the case was part heard and adjourned.

5.4 At the time of hearing held on 25th January 2026, the Committee noted that the consideration of the case was adjourned due to paucity of time.

5.5 At the time of hearing held on 4th February 2026, the Committee noted that the Respondent was present before it through video conferencing. The Committee further noted that at the time of last hearing held in the case on 7th January 2026, 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 had replied in the affirmative and pleaded Not Guilty to the charge(s) levelled against him. Thereafter, the Respondent presented his line of defence, inter-alia, stating that upon receiving the letter dated 7th February 2012 from the Secretary, ICAI, he initially understood that the matter related to certain tax audits conducted during the period 2002-04. He contended that he had not undertaken any professional work during 2010-11, as he was employed with CALPA at that stage of his career. He further stated that he had obtained his Certificate of Practice in 2002 and had conducted some tax audits only during 2002-2004. Since the initial communication referred to audits carried out while holding a part-time COP, he assumed that the allegation pertained to those earlier years and submitted his reply accordingly. He submitted that it was only upon receiving the notice for the Disciplinary Committee meeting and seeking further particulars that he came to know the matter was being referred to the period 2010-11, during which he had not carried out any professional assignment. On consideration of the submissions made, the Committee posed certain questions to the Respondent which were responded to by him. Thereafter, upon perusal of the documents on record and on consideration of the submissions of the Respondent vis-à-vis facts of the case, the Committee decided to conclude the hearing in the case.

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

6.1 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) for the financial year 2010-11.

6.2 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."

6.3 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.

6.4 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
3	Part time Certificate of Practice	Admission of Guilt in the written submissions before the (then) Secretary (ICAI)

6.5 The Committee noted that the letter dated 7th February 2012 from the (then) Secretary, ICAI addressed to the Respondent specifically stated as under:

"*Ref No.: PTCOP-TAX AUDIT/11-12/404*

As you are kindly aware that the CBDT had provided us the number of tax audit ***reports filed for the financial year 2010-11 by our members****. While processing the data so received, we observed that a number of tax audit reports were filed by the assessees by quoting fake membership details and also membership number of deceased members. Accordingly, such details have been reported to CBDT for taking appropriate action.*

Further, we have noticed that ***certain tax audits have been uploaded against your membership number (given at the end of this communication)****. However, as per our records, you are holding Part Time Certificate of Practice (COP), which does not makes one eligible for conducting said audit.*

We are aware that it has always been your prerogative to abide by the Council Guidelines and also the regulations of Chartered Accountants Act, 1949. However, the possibility of your membership number and name being misused by others cannot be ruled out. There may also be a probability that due to system error your membership status is being wrongly reflected.

in order to locate the exact issue, may we request you to confirm whether or not the details provided to us by the source department are true and correct. If your membership status is wrongly mentioned, an evidence of your current status would suffice." **(emphasis provided)**

6.6 The Committee further noted that the Respondent in response thereto, vide letter dated 14th February 2012 addressed to the (then) Secretary, ICAI submitted as under:

"Ref: **Your letter** ***Ref No.: PTCOP-TAX AUDIT/11-12/404 dated 7th February 2012***

*This is **with reference to your letter regarding Tax Audits filed under my name and membership no.**, I would like to inform you that the tax returns were indeed filed under my name for the following persons:*

1) M/s Prashant Construction.
2) M/s Star Construction.
3) M/s SM Collection.

Kindly pardon my ignorance as I now fully understand and accept that as I hold a part time COP, I am eligible for conducting the said audit." **(emphasis provided)**

6.7 The Committee also noted that the Respondent clearly refused undertaking and certifying the tax audits pertaining to the Financial Year 2010-11 during the hearing stating that he assumed it to be some tax audits conducted during 2002-2004. However, the Committee observed that the opening paragraph of the letter of the (then) Secretary, ICAI dated 7th February 2012 specifically states that the CBDT provided ICAI the number of tax audit reports filed for the financial year 2010-11 by members. So, the very foundation of the communication is FY 2010-11. Therefore, the Committee was of the view that the Respondent's claim that he thought that it related to audits conducted during 2002-04 is not acceptable, because the letter itself identifies the relevant year and he, as a Chartered Accountant, is expected not to misread such a direct reference.

6.8 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 for the financial year 2010-11 in respect of 3 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.

6.9 Accordingly, on the basis of the admission of guilt by the Respondent, in his letter dated 14th February 2012 addressed to the (then) Secretary, ICAI, the Committee decided to hold 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.

7. 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 6.1 to Para 6.9 as above	**Guilty**- Item (1) of Part II of the Second Schedule

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8. 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/-
(CMA. CHANDRA WADHWA)
(GOVERNMENT NOMINEE)

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

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

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

DATE: 11.02.2026
PLACE: NEW DELHI

[illegible] / Certified to be True Copy
[illegible] Gupta
[illegible] / Sr. Executive Officer
[illegible] / Disciplinary Directorate
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The Institute of Chartered Accountants of India
[illegible] 201301 [illegible]
ICAI Bhawan, C-1, Sector-1, Noida-201301 (U.P.)