

CONFIDENTIAL

DISCIPLINARY COMMITTEE [BENCH – II (2026-2027)]

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

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

File No:- PR-322/2019-DD/297/2019-DC/1582/2022

In the matter of:

**Shri. Ashokkumar Kantilal Jambukiya,
2660, Garnala Ni Pole,
Near Bhavsar Hall,
Halim Ni Khadki,
Shahpur
Ahmedabad-380001**

.....Complainant

Versus

**CA. Mahesh Gajendraprasad Vyas (M. No. 032247),
Bhesatvado,
Gheevato,
Patan-384265**

.....Respondent

MEMBERS PRESENT:

**CMA Chandra Wadhwa, Government Nominee & Presiding officer (In person)
CA. Mahesh Shah, Government Nominee (In person)
CA. Satish Kumar Gupta, Member (In person)
CA. Hans Raj Chugh, Member (In person)**

**DATE OF FINAL HEARING : 05th June 2026
DATE OF DECISION TAKEN : 25th July 2026
DATE OF PRONOUNCEMENT OF DECISION : 29th August 2026**

PARTIES PRESENT:

Respondent : CA. Mahesh Gajendraprasad Vyas (Through VC)

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1. **Background of the Case:**

Newspaper named “Buniyad” is published in Patan, Gujarat. The Complainant stated that the Respondent created fake documents and issued the certificates regarding circulation of the aforesaid newspaper to publisher of Buniyad daily newspaper for the unlawful gain to the publisher. The Complainant further submitted that the Respondent issued the said certificates without checking any documents.

- 1.1. The Complainant has further apprehended that the publisher has not submitted detail of purchase to GST Department in monthly, quarterly, yearly returns from 30th June, 2017 to till date and they have not paid any GST tax for it. The circulation shown by Buniyad newspaper for 78000 copies daily is not shown in the GST office as per HSN code. Further as per Complainant the Buniyad newspaper had more than 2 crores sales despite that it has not filed tax audit report to GST department and Income tax department.

2. **Charges in brief:**

- 2.1. The Respondent has issued false form of performance certificate regarding circulation of Buniyad newspaper for financial year 2017-18 dated 25th June, 2017 and for year 2018-19 dated 01st May, 2018 and certificate of circulation for year 2017-18 dated 23rd September, 2018.

3. **The relevant issues discussed in the Prima Facie Opinion dated 17th December 2020 formulated by the Director (Discipline) in the matter in brief, are given below:**

- 3.1. On perusal of the papers submitted by the Complainant it was noted that the Respondent had certified the Form of performance particulars certificate which had average details of newspaper printed, sold, free distribution and unsold details per day.
- 3.2. It was further noted that the Complainant had attached the Guidelines for Circulation Check/Verification by the team of the Registrar of Newspapers for India (RNI), along

with other enclosures issued by the Ministry of Information & Broadcasting. The same had been issued prescribing the procedure for circulation verification of printing premises. It was noted that Report Performa had been enclosed for RNI team/Chartered Accountants doing circulation verification and as per same, the necessary details as required were mentioned. In the Forms of performance also particulars regarding circulation for the year 2016-17 and 2017-18 certified by the Respondent all the details were mentioned.

- 3.3. In this case, it was noted that the Complainant had failed to bring on record any adverse report issued by the Ministry of Information & Broadcasting or any other agency which showed that the Respondent had issued fake or incorrect certificates or had been involved in preparing fake documents. He also could not explain how these documents were fake or incorrect.
- 3.4. It was also noted that the Respondent had neither submitted his defence by way of a written statement nor produced any working papers which were asked for at the stage of Rule 8(5), which was condemnable on his part. It would have been appropriate if the Respondent had come forward with his defence against the charges alleged by the Complainant in the instant complaint. However, since the Complainant could neither explain how the certificates issued by the Respondent were fake or incorrect, as claimed, nor provide any documentary evidence to substantiate the allegations, it was felt that, despite the Respondent's non-submission of a written statement, the benefit of doubt ought to have been extended to him.
- 3.5. The Director (Discipline) in his Prima Facie Opinion dated 17th December 2020 opined that the Respondent was Prima Facie **Not Guilty** of Professional and Other Misconduct falling within the meaning of Clause (7) of Part I of Second Schedule and Clause (2) of Part IV of First 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:

X X X X X X X

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

Clause (2) of Part IV of the First Schedule:

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

X X X X X X X

(2) in the opinion of the Council, brings disrepute to the profession or the Institute as a result of his action whether or not related to his professional work."

- 3.6. The Prima Facie Opinion formed by the Director (Discipline) was considered by Board of Discipline in its meeting held on 29th June 2022. The Board noted that it had been alleged in the complaint that the Respondent had issued the Performance certificate regarding circulation of Buniyad newspaper for the F.Y. 2016-17 and 2017-18 dated 25th June 2017 and 1st May 2018 respectively and Certificate of circulation for the F.Y. 2016-17 dated 23rd September 2018 without verification of the underlying documents. However, the Respondent neither submitted his defence on the charges alleged against him in the form of his written statement nor the additional documents sought from him despite reminders. It was expected from the Respondent to counter the allegations alleged him which had not been done by him without reasonable cause which in a way amounted to admission of misconduct on his part. Thus, the Board did not concur with the reasons given against the charge(s) and Board did not agree with the Prima Facie Opinion of the Director (Discipline) that the Respondent is NOT GUILTY of Professional Misconduct/Other Misconduct falling within the meaning of Item (7) of Part I of the Second Schedule and item (2) of Part IV of the First Schedule to the Chartered Accountants Act, 1949 read with Section 22 of the said Act and accordingly decided to refer the case to the Disciplinary Committee to proceed under Chapter V of the Chartered Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007 in terms of the provisions of Rule 9(3)(b) of the aforesaid Rules.

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	Dated
1.	Date of Complaint in Form 'I' filed by the Complainant	10 th August 2019
2.	Date of Written Statement filed by the Respondent	Not submitted
3.	Date of Rejoinder filed by the Complainant	----
4.	Date of Prima Facie Opinion formed by Director (Discipline)	17 th December 2020
5.	Written Submissions filed by the Complainant/ Respondent after PFO	-----

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

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

S. No.	Date of meeting(s)	Status
1	31 st May 2023	Adjourned at the request of Respondent and in absence of the Complainant.
2	22 nd June 2023	Adjourned in absence of both parties.
3	11 th July 2023	Adjourned at the request of Respondent and in absence of the Complainant.
4	13 th December 2023	Deferred due to paucity of time
5	09 th January 2024	Adjourned at the request of Respondent and in absence of the Complainant.
6	20 th March 2026	Adjourned at the request of Respondent.
7	17 th April 2026	Adjourned at the request of Respondent.
8	25 th May 2026	Adjourned in the absence of Respondent.
9	05 th June 2026	Hearing concluded and Findings reserved.
10	25 th July 2026	Decision taken.

5.2 On the day of first hearing held on 31st May 2023, the Committee, in the instant matter, noted that the Respondent vide email dated 31st May 2023 sought adjournment on the ground that he has been in the USA since 15th May 2023 and would return at the end of August. The Committee further noted that neither the Complainant was present, nor any intimation was received from his side, despite notice being duly delivered to him. Thereafter, the Committee on account of natural justice, decided to provide one more opportunity to both parties and accordingly adjourned the case to a future date.

5.3 On the day of hearing held on 22nd June 2023, the Committee noted that neither the Respondent was present, nor any intimation was received from his end despite notice/email was duly served upon them. The Committee looking into grounds of natural justice decided to give final opportunity to the Complainant to present his representations, if any.

The Committee also directed the Office to check

a) UDIN details of the Respondent.

b) Whether KYC compliance has been made by the Respondent.

Thereafter, the Committee decided to adjourn the hearing to a future date.

5.4 On the day of hearing held on 11th July 2023, the Committee noted that the Respondent vide email sought adjournment on the ground that he is presently in USA and would return on 15th September, 2023. The Committee noted that neither the Complainant was present, nor any intimation was received, despite notice/email duly served upon him. The Committee looking into the grounds of natural justice acceded to the adjournment request made by the Respondent, and accordingly, the case was adjourned. The Committee also directed the office to write a letter to RNI (Registrar of Newspaper for India) regarding any complaint against the Respondent lodged with them. With this matter was partly heard and adjourned.

5.5 On the day of hearing held on 13th December 2023, the case was deferred due to paucity of time.

5.6 On the day of hearing held on 09th January 2024, the Committee noted that the Complainant was not present despite due delivery of notice upon him. The

Committee noted that the Respondent vide his email dated 8th January 2024 sought adjournment on grounds of preoccupation of work and old age. The Committee on account of natural justice acceded to the request of the Respondent and decided to adjourn the matter to a future date.

- 5.7 On the day of hearing held on 20th March 2026, the Committee noted the Respondent sought an adjournment vide email dated 20th March 2026 due to health issues. However, the Complainant was not present despite the fact that notice of the hearing was duly served upon him. Acceding to the request of the Respondent, the Committee, keeping in view the principles of natural justice, adjourned the subject case to a future date.
- 5.8 On the day of hearing held on 17th April 2026, the Committee noted that the Respondent sought an adjournment vide email dated 16th April 2026 stating that he is out of station on the scheduled date of hearing and as such he would not be in a position to attend the hearing. The Committee noted that the matter was already adjourned four times at the request of the Respondent. Acceding to the request of the Respondent, the Committee, keeping in view the principles of natural justice, adjourned the subject case to a future date.
- 5.9 On the day of hearing on 25th May 2026, consideration of the case was adjourned due to non-appearance of the Respondent when the case was taken up for hearing.
- 5.10 On the day of hearing on 05th June 2026, the Committee noted that the Respondent was present through VC and appeared before it. However, the Complainant vide email dated 02nd June 2026 stated that due to health problems he is not in a position to attend the hearing. He further requested that an appropriate decision be taken on the basis of the complaint/documents filed by him. 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.

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The Committee noted that the allegation against the Respondent related to issuance of false form of performance certificate. The Respondent submitted that he had issued the certificate appropriately, indicating compliance with the relevant procedures. The Committee noted the submissions of the Respondent.

Based on the documents and material available on record and after considering the verbal and written submissions of the parties, the Committee concluded the hearing in the matter and Findings were reserved.

- 5.11 At the meeting held on 25th July 2026, the Committee noted that the subject case was heard by it at length in the presence of the Respondent and the hearing was concluded at its meeting held on 05th June 2026 and the Findings was reserved. The Committee considered the material on record. The Committee deliberated in detail on the said case and took decision on the conduct of the Respondent.

6. Findings of the Committee: -

- 6.1 The Committee noted that the charge against the Respondent (as mentioned in para 2.1 above) is that he had issued false form of performance certificate regarding circulation of Buniyad newspaper for financial year 2017-18 (SIC. 2016-17) dated 25th June,2017 and for year 2018-19 (SIC 2017-18) dated 01st May,2018 and certificate of circulation for year 2017-18 (SIC 2016-17) dated 23rd September,2018.
- 6.2 The Committee observed that as per the allegation, the circulation figures certified by the Respondent were incorrect and that the publisher of the newspaper had not disclosed corresponding sales in GST and Income Tax records. The Committee further noted that the allegations were primarily founded on the Complainant's doubts regarding the genuineness of the circulation figures and the financial reporting of the publisher.
- 6.3 On perusal of the documents placed on record, the Committee noted that the Respondent had certified Forms of Performance Particulars and circulation-related certificates containing details of newspapers printed and sold. The Committee further

noted that the Complainant had also placed on record guidelines issued by the Registrar of Newspapers for India (RNI) relating to circulation verification.

- 6.4 The Committee observed that the said guidelines prescribe the procedure to be followed during circulation verification and contain formats for recording relevant information. The Committee noted that the certificates issued by the Respondent contained the particulars ordinarily required for circulation verification and nothing was brought on record to demonstrate that the certificates were inconsistent with the prescribed formats or verification requirements.
- 6.5 During the hearing 05th June 2026, the Respondent submitted that at the time of issuance of the circulation/performance certificates, he was not acting as the statutory auditor of the publisher. He stated that he had initially issued the certificates after verifying the relevant details with reference to the previous records/reports made available to him and that he was appointed as the auditor subsequently.
- 6.6 The Committee further noted that although serious allegations had been levelled against the Respondent, no documentary evidence was produced by the Complainant to establish that the circulation figures certified by the Respondent were false. The Committee observed that mere suspicion or apprehension cannot by themselves constitute proof of misconduct. The Committee noted that the Complainant had not pointed out any specific entry, figure, or statement in the certificates issued by the Respondent that was incorrect. Further, no evidence was brought on record to show that the Respondent had knowingly certified wrong information or had ignored any material facts while issuing the certificates.
- 6.7 The Committee further observed that the allegation regarding non-payment of GST by the publisher and non-filing of tax audit reports, even if assumed to be correct, would not by itself establish that the circulation certificates issued by the Respondent were false. No nexus was established between the alleged defaults of the publisher and any professional misconduct on the part of the Respondent.
- 6.8 The Committee noted that the Respondent had not filed any written statement or written submissions and had also not furnished the working papers sought from him.

However, the Respondent appeared before the Committee during the hearing held on 05th June 2026 and made oral submissions, wherein he provided clarifications regarding the issuance of the circulation/performance certificates. The Committee took note of the explanations furnished by the Respondent during the course of the hearing. However, the Committee is of the view that non-submission of a written statement or working papers, though undesirable, cannot by itself lead to a finding of guilt in the absence of substantive evidence establishing the charge.

6.9 The Committee also noted that, despite opportunities available during the proceedings, no material was brought on record to show that the Ministry of Information & Broadcasting, the Registrar of Newspapers for India (RNI), or any other competent authority had rejected, questioned, or disbelieved the circulation certificates issued by the Respondent. No adverse report or finding of any such authority was produced to substantiate the allegation that the Respondent had issued false or incorrect certificates or was involved in the preparation of fabricated documents.

6.10 The Committee noted that the allegations against the Respondent were not supported by any cogent evidence. No specific inaccuracy in the certificates was established, nor was any material produced to show lack of due diligence or gross negligence. Accordingly, the charges remained unsubstantiated, and no professional misconduct was proved against the Respondent. The Committee was therefore of the opinion that the Respondent was **NOT GUILTY** of Professional and Other Misconduct falling within the meaning of Clause (7) of Part I of Second Schedule and Clause (2) of Part IV of First Schedule to the Chartered Accountants Act, 1949.

7. Conclusion:

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

Charges (as per PFO)	Findings	Decision of the Committee
Para 2.1 as above	Para 6.1 to 6.10 as above	NOT GUILTY - Clause (7) of Part I of Second Schedule and Clause (2) of Part IV of First Schedule

8. In view of the above observations, considering the material on record, the Committee held the Respondent **NOT GUILTY** of Professional and Other Misconduct falling within the meaning of Clause (7) of Part I of Second Schedule and Clause (2) of Part IV of First Schedule to the Chartered Accountants Act, 1949.

9. **ORDER**

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. M/

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

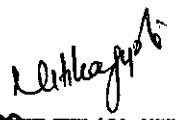
Sd/-
(CA. MAHESH SHAH)
GOVERNMENT NOMINEE

Sd/-
(CA. SATISH KUMAR GUPTA)
MEMBER

Sd/-
(CA. HANS RAJ CHUGH)
MEMBER

DATE: 29.08.2026

PLACE: Noida


श्री. नरिका गुप्ता / CA. NRIKA GUPTA
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