CONFIDENTIAL

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

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

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

File No: [PR/405/2022-DD/310/2022-DC/2185/2025]

In the matter of:
Dr. Pankaj Trivedi
66 Feet Road, 4th Floor,
A Block, Jalandhar Heights,
Jalandhar - 144001 .....Complainant

Versus

CA. Naman Gyanchand Pipara (M.No. 140234)
Pipara Corporate House,
Near Gruh Finance,
Netaji Marg, Ahmedabad,
Gujarat- 380006 .....Respondent

MEMBERS PRESENT:

1. **CA. Mangesh Kinare, Presiding Officer & Vice-President, ICAI (In Person)**
2. **Ms. Dakshita Das, IRAS (Retd.), Government Nominee (Through VC)**
3. **Adv. Vijay Jhalani, Government Nominee (In Person)**
4. **CA. Dayaniwas Sharma, Member (In Person)**
5. **CA. Ravi Kumar Patwa, Member (In Person)**

Date of Final Hearing	**: 04.06.2026**
Date of Decision Taken	**: 21.07.2026**
Date of Pronouncement of Decision	**: 23.11.2026**

PARTIES PRESENT ON THE DATE OF FINAL HEARING:

Complainant	**: Dr. Pankaj Trivedi (in Person)**
Respondent	**: CA. Naman Gyanchand Pipara (in Person)**
AR & Counsel for the Respondent	**: CA. Gyanchand Pipara & Adv. S.S. Sharma (in Person)**

1. **Background of the Case:**

The Complainant, Dr. Pankaj Trivedi, a partner in M/s Sarvodaya Hospital, Jalandhar, alleged that amidst ongoing disputes between partners, a false complaint against him had already been investigated and dismissed by senior police authorities.

The Respondent, allegedly in collusion with other partners, issued a forensic audit report dated 6th January 2021 accusing him of financial misconduct, which later led to the filing of an FIR.

The Complainant contended that the audit was conducted unfairly and unilaterally, as he was neither consulted nor given an opportunity to provide explanations or documents, and the audit itself was limited in scope to him rather than the entire firm.

He further alleged procedural irregularities, including the existence of two different versions of the audit report, improper appointment of the auditor without consent of all partners, and reliance on distorted or falsified financial data. The audit was claimed to violate ICAI guidelines and established audit procedures, as no questionnaires or clarifications were sought, and key personnel like the Chief Accounts Officer were not involved.

Overall, the Complainant asserted that the report was malafide, based on unreliable information, and prepared with the intent to wrongfully implicate him in ongoing disputes.

2. **Charges in brief:**

Allegation No. (As per PFO)	Allegation against the Respondent	PFO of DD	Clauses
01	The appointment of the Respondent to conduct the Forensic Audit of Sarvodaya Hospital, a Partnership Firm, was in violation of the Indian Partnership Act, 1932 and the Respondent conducted Forensic Audit in connivance with One Set of Partners to suit their ill-conceived requirements.	Guilty	Item (7) of Part I of the Second Schedule

3. The Committee noted that in the Prima Facie Opinion dated 16th August 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 in sole allegation as above (Allegation No. 1). He 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 which is as under:

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"

4. **Brief of the Disciplinary Proceedings: -**

Details of the hearing(s) fixed and held/ adjourned in the said matter are given as under:–

S. No.	Date of Meeting(s)	Status
1.	01st April 2026	Oath taken by the Complainant and adjourned at request of the Respondent
2.	17th April 2026	Adjourned at the request of the Complainant and the Respondent.
3.	04th May 2026	Complainant and Respondent were present. Oath taken by the Respondent and adjourned.
4.	04th June 2026	Heard & Concluded. Judgement Reserved
5.	21st July 2026	Decision Taken

4.1 On the day of hearing held on 1st April 2026, the Committee noted that the Complainant was present in person however, the Respondent vide his email dated 28/03/2026 had sought an adjournment stating that he is not available on the day of hearing. Being first hearing of the case, the Complainant was put on Oath. Thereafter, the Committee, acceding to the request of the Respondent, adjourned the case to a future date.

4.2 On the day of hearing held on 17th April 2026, the Committee noted that the Respondent vide email dated 13/04/2026 had sought an adjournment due to his preoccupancy on date of meeting. The Committee further noted that the Complainant vide email dated 11/04/2026 sought an adjournment due to important legal matter fixed in Jalandhar on 17/04/2026. The Committee, acceding to the request of the Respondent and the Complainant, adjourned the case to a future date.

4.3 On the day of hearing held on 4th May 2026, the Committee noted that the Complainant was present in person and the Respondent was present through VC and appeared before it. Thereafter, the Respondent was put on Oath. The Committee enquired from the Respondent as to whether he was aware of the charges against him and whether he pleads guilty. In response the Respondent replied that he is aware of the charges and pleaded 'Not Guilty' to the charges levelled against him. Accordingly, in view of Rule 18(9) of the Chartered Accountants (Procedure of Investigation of Professional and Other Misconduct and Conduct of Cases) Rules, 2007, the Committee adjourned the case to a future date.

4.4 On the day of hearing held on 4th June 2026, the Committee noted that the Complainant and the Respondent along with his Authorized Representative/ Counsel were present in person and appeared before it.

Thereafter, the Committee directed the Counsel for the Respondent to make his submissions. In response the Counsel for the Respondent questioned the capacity in which the instant complaint has been filed i.e. as an individual or as a partner of the firm. He further submitted that any one partner has the authority to appoint a Forensic Auditor and that the forensic audit report is clear and duly supported by evidence. He also submitted that one of the partner who had provided consent for conducting the audit was also partner in charge of finance.

Thereafter, the Committee directed the Complainant to make his submissions. The Complainant submitted that, as per the organogram (organisational structure), the partner who had granted consent for conducting the forensic audit did not belong to the Finance function. He further submitted that, as per the SIT report, only four individuals were authorised, as per the organogram, to requisition of any audit of the Hospital. However, the appointment letter for the forensic audit, though signed by partners, was issued by persons who were not authorised to initiate such an audit as per the prescribed governance structure. He further stated that he had also filed the Criminal case against the Respondent.

After hearing the submissions of the Parties, the Committee directed the Complainant to make his final written submissions, if any along with all relevant documentary evidence within 7 days. The Committee also directed the Respondent to provide the signed copy of organogram relied by him while auditing and also send his final submissions (to the extent not submitted earlier), if any, within 7 days.

With this, the Committee decided to conclude the hearing and judgment was kept reserved.

4.5 In the meeting held on 21st July 2026, the Committee noted that the subject case was heard by it in the presence of the Complainant and the Respondent along with his Authorised Representative/ the Counsel, and the hearing was concluded at its meeting held on 04th June 2026 and the Findings was kept 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.

5. **Submissions of the Complainant/ Respondent and Findings of the Committee:**

5.1 **Allegation 1: -** It is alleged that the appointment of the Respondent to conduct the Forensic Audit of Sarvodaya Hospital, a Partnership Firm, was in violation of the Indian Partnership Act, 1932 and the Respondent conducted its Forensic Audit in connivance with one set of Partners to suit their ill-conceived requirements. The Committee noted

that the Complainant and the Respondent during the course of hearing and through their written/oral submissions had inter-alia stated as under:

5.2 The Authorised Representative and the Counsel for the Respondent, in defence of the Respondent, submitted that the Sarvodaya Hospital was governed by a partnership deed dated 01-08-2013, which later revised on 01-04-2019 to include 10 partners. The Respondent was appointed as Forensic Auditor through an engagement letter dated 20-08-2020 and an authorization dated 22-08-2020, during a period when multiple disputes, litigations, FIRs, and counterclaims were ongoing among the partners between years 2015 and 2020.

5.3 He further submitted that the forensic audit was initiated by one group of doctors to identify alleged siphoning off funds and the modus operandi, with the engagement letter signed by Dr. Kapil Gupta on behalf of the hospital/firm. He further submitted that the appointment was made in the firm's name using its letterhead and stamp, and under Section 22 of the Indian Partnership Act. The forensic audit report was described as a fact-finding exercise with disclaimers.

5.4 The Complainant submitted that the Respondent's defence was fundamentally flawed and ignores fiduciary duties and the context of ongoing disputes among partners. He contended that Section 22 of the Act does not confer authority but merely prescribes the manner of binding the firm, and that the appointment of the Respondent as forensic auditor was made without notice or consent of all partners, in violation of Sections 9 and 12 concerning fiduciary duties and mutual rights.

5.5 The Complainant further stated that the Respondent knowingly accepted the engagement despite being aware of longstanding disputes, thereby aiding a breach of fiduciary obligations and engaging in gross misconduct. He further stated the Respondent's actions were improper, biased, and in violation of professional and legal standards.

5.6 As per direction of the Committee, the Respondent submitted organogram along with his final submissions vide email dated 10th June 2026, reiterating the facts and arguments previously advanced during the hearings.

5.7 Further, as per directions of the Committee, the Complainant submitted his final submissions vide email dated 09th June 2026, reiterating the facts and arguments already placed on record during the course of the hearings.

6. The Committee considered the allegation, the material available on record and the submissions made by the parties. The Committee examined the contention of the Complainant that the Respondent's appointment as Forensic Auditor was made without issuing notice to or obtaining the consent of all the partners of the Partnership Firm, allegedly in violation of Sections 9 and 12 of the Indian Partnership Act, 1932. In this regard, the Committee noted that Section 9 of the said Act provides for the mutual duties of partners to act in good faith and to render true accounts and full information

concerning matters affecting the Firm, whereas Section 12 confers upon every partner the right to take part in the conduct of the ordinary business of the Firm. The Committee observed that the appointment of a Forensic Auditor, being an extraordinary matter, does not fall within the scope of the ordinary business contemplated under Section 12 of the said Act. Further, the Committee took note of the appointment letter available on record and examined the same in the context of the Respondent's authority to undertake the forensic audit assignment. Accordingly, the Committee held that the provisions of Section 12 of the Indian Partnership Act, 1932, were not attracted to the facts of the instant case.

6.1 Further, the Committee noted that, as per the terms of the appointment letter issued by Sarvodaya Hospital to the Respondent, Dr. Kapil Gupta and Mr. Adarsh Aggarwal were specifically authorised by the Hospital to furnish data, information, records, documents, clarifications and other relevant particulars required by the Respondent in connection with the forensic audit.

6.2 The appointment letter further stipulated that any information or material provided by the said authorised persons would be deemed to be furnished on behalf of the Hospital and would be binding on the Hospital. Accordingly, the Committee observed that the Respondent was entitled to seek and obtain the requisite information and clarifications from the said authorised persons for carrying out the forensic audit.

6.3 The Committee further observed that the Respondent had obtained the requisite information from the aforesaid authorised persons and duly documented the relevant particulars in his forensic audit report. The Committee was of the view that, once the Hospital had formally authorised specific persons to furnish information on its behalf, it was reasonable for the Respondent to rely upon the information provided by them.

6.4 The Committee further observed that it was neither practicable nor necessary for the Respondent to independently obtain authorisation from, or seek information and clarifications individually from, each partner of the Firm, particularly when the Hospital had expressly authorised the aforesaid persons to provide the same on its behalf.

6.5 The Committee further observed that the Respondent had shared the draft forensic audit report with the authorised persons, namely Dr. Kapil Gupta and Mr. Adarsh Aggarwal, on 26th November 2020 and subsequently submitted the final report on 12th January 2021. This indicates that the Respondent had allowed a reasonable period of more than one and a half months for the authorised persons to review the draft and circulate it among all partners of the Hospital.

6.6 The Committee noted that the responsibility of sharing the draft report with all partners, rest with the authorised persons and it is not expected from the Respondent to share his Forensic Report with each partner of firm/hospital.

6.7 The Committee also observed that the Respondent had prepared the report based on the information provided by the authorised persons and had expressly stated, under

Point 2 of the report, that he had not independently verified the accuracy of such information. This disclosure reflects that the report was prepared based on representations received and does not indicate any intent on the part of the Respondent to act with ulterior motive or in connivance with other partners to implicate the Complainant as alleged by him.

6.8 The Committee further noted that there is no evidence on record brought by the Complainant to demonstrate that the Respondent acted in a biased manner or manipulated findings to suit the interests of any particular group of partners. The forensic audit report has been described as a fact-finding exercise containing appropriate disclaimers, and its subsequent use by third parties does not, by itself, establish misconduct on the part of the Respondent.

6.9 In view of the above facts and circumstances, the Committee decided to hold the Respondent **NOT GUILTY** of any Professional or Other Misconduct in respect of instant allegation.

7. CONCLUSION

In view of the above observations, considering the oral and written submissions of the parties and material on record, the Committee held the Respondent **NOT GUILTY** of Professional Misconduct falling within the meaning of Item (7) of Part-I of the Second Schedule to the Chartered Accountants Act, 1949.

8. 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.

Sd/-
(CA. Mangesh Kinare)
PRESIDING OFFICER

Sd/-
(Ms. Dakshita Das, IRAS (Retd.))
GOVERNMENT NOMINEE

Sd/-
(Adv. Vijay Jhalani)
GOVERNMENT NOMINEE

Sd/-
(CA. Dayaniwas Sharma)
MEMBER

Sd/-
(CA. Ravi Kumar Patwa)
MEMBER

सत्यापित होने के लिए प्रमाणित / Certified to be True Copy

गीता अनिरुद्ध कुमार / Geetha Anirudha Kumar
कार्यकारी अधिकारी / Executive Officer
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.)

DATE: 23.11.2026
PLACE: New Delhi