



**Government of India  
Ministry of Finance**

**32<sup>nd</sup> PROGRESS REPORT ON THE ACTION TAKEN  
PURSUANT TO THE RECOMMENDATIONS OF  
THE JOINT PARLIAMENTARY COMMITTEE ON  
STOCK MARKET SCAM AND MATTERS RELATING THERETO**

***June, 2019***

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## INTRODUCTION

The Report of the Joint Parliamentary Committee on Stock Market Scam and matters relating thereto was presented to the Parliament on 19<sup>th</sup> December 2002. In Para 3.31, the JPC recommended that the Government should present its Action Taken Report to the Parliament within six months and, thereafter, a Progress Report every six months until action on all the recommendations has been fully implemented to the satisfaction of Parliament. The Government submitted the Action Taken Report to the Parliament on 9.5.2003.

2. The 1<sup>st</sup> Progress Report was presented in the Lok Sabha (LS) and Rajya Sabha (RS) on 12.12.2003 and 16.12.2003 respectively; 2<sup>nd</sup> Progress Report was submitted on 10.6.2004; 3<sup>rd</sup> on 09.12.2004; 4<sup>th</sup> on 29.7.2005; 5<sup>th</sup> on 20.12.2005; 6<sup>th</sup> on 23.05.2006 and 7<sup>th</sup> on 19.12.2006. The 8<sup>th</sup> Progress Report was placed in the Parliament Library on 22.5.2007 and was presented to LS / RS on 17.08.2007. The 9<sup>th</sup> Progress Report was presented on 07.12.2007 & 10<sup>th</sup> Progress Report was placed in Parliament Library during May, 2008, and was presented to LS / RS on 24.10.2008. The 11<sup>th</sup> Progress Report was presented on 16.12.2008; 12<sup>th</sup> Progress Report was presented on 09.06.2009; 13<sup>th</sup> Progress Report was presented on 18.12.2009; 14<sup>th</sup> Progress Report was presented to LS/RS on 07.5.2010 and the 15<sup>th</sup> Progress Report was presented to LS/RS on 09.12.2010. The 16<sup>th</sup> Progress Report was placed in the Parliament Library on 08.06.2011/21.06.2011 and was presented to LS / RS on 05.8.2011. The 17<sup>th</sup> Progress Report was presented to LS/RS on 07.12.2011; 18<sup>th</sup> Progress Report was placed in the Parliament Library on 06.06.2012 and was presented to LS/RS on 09.08.2012 and 19<sup>th</sup> Progress Report was presented to LS/RS on 07.12.2012. The 20<sup>th</sup> Progress Report was placed in the Parliament Library on 29.05.2013 and was presented to LS/RS on 13.08.2013 and 23.08.2013 respectively. The 21<sup>st</sup> Progress Report was presented to LS and RS on 13.12.2013 and 17.12.2013 respectively. The 22<sup>nd</sup> Progress Report was presented to LS and RS on 11.07.2014 and 15.07.2014 respectively. The 23<sup>rd</sup> Progress Report was presented to LS and RS on 12.12.2014 and 16.12.2014 respectively. The 24<sup>th</sup> Progress Report was presented to LS and RS on 27.07.2015 and 28.07.2015 respectively. The 25<sup>th</sup> Progress Report was presented to LS and RS on 18.12.2015. The 26<sup>th</sup> Progress Report was presented to LS and RS on 27.07.2016 and 26.07.2016 respectively. The 27<sup>th</sup> Progress Report was presented to LS and RS on 07.12.2016. The 28<sup>th</sup> Progress Report was presented to LS and RS on 21.07.2017 and 18.07.2017 respectively. The 29<sup>th</sup> Progress Report was presented to LS and RS on 29.12.2017 and 02.01.2018 respectively. The 30<sup>th</sup> Progress Report was presented to LS and RS on 03.08.2018 and 31.07.2018 respectively. The 31<sup>st</sup> Progress Report was presented to LS and RS on 03.01.2019 and 08.01.2019 respectively.

3. JPC had made 276 recommendations/observations/conclusions. In the ATR presented to the Parliament during May 2003, final response of the Government in respect of 111 recommendations had been given. In the Progress Report presented during December, 2003, action was completed on 39 recommendations. In the 2<sup>nd</sup> Progress Report action was completed on 36 recommendations; in the 3<sup>rd</sup> Progress Report on 18 recommendations; in the 4<sup>th</sup> Progress Report on 23 recommendations; in the 5<sup>th</sup> Progress Report on 06 recommendations; in the 6<sup>th</sup> Progress Report on 03 recommendations; in the 7<sup>th</sup> Progress Report on 07 recommendations and in 8<sup>th</sup> Progress Report, only further progress to the pending recommendations was given. In the 9<sup>th</sup> Progress Report, action was completed on 07 recommendations; in 10<sup>th</sup> Progress Report action was completed on 02 recommendations; in 11<sup>th</sup> Progress Report action was completed on 10 recommendations; in the 12<sup>th</sup> Progress Report action was completed on 03 recommendations; in 13<sup>th</sup> Progress Report, action was completed on 05 recommendations; in the 14<sup>th</sup> Progress Report action was completed on 01 recommendation; in the 15<sup>th</sup> Progress Report action was completed on 01 recommendation. In 16<sup>th</sup>, 17<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup> Progress Reports, there was no change in status and action was pending on 4 recommendations. In 20<sup>th</sup> Progress Report action was completed on 01 recommendation and action was pending on 03 recommendations. In the 21<sup>st</sup> Progress Report, there was no change in status. In the 22<sup>nd</sup> Progress Report, action was completed on 02 recommendations and action was pending on 1 recommendation. In the 23<sup>rd</sup> Progress Report there was no change in status and action was pending on 01 recommendation. In the 24<sup>th</sup>, 25<sup>th</sup>, 26<sup>th</sup>, 27<sup>th</sup>, 28<sup>th</sup>, 29<sup>th</sup> and 30<sup>th</sup> Progress Reports, there were updates on the status of 01 pending recommendation but the action was still pending on 01 recommendation. This 31<sup>st</sup> Progress Report updates the status of 01 pending recommendation but the action is still pending on this 01 recommendation. In the 31<sup>st</sup> Progress Report, there was no change in the status and the action was still pending on 01 recommendation. This 32<sup>nd</sup> Progress Report updates the status of 01 pending recommendation but the action is still pending on this 01 recommendation.

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**32<sup>nd</sup> PROGRESS REPORT (June, 2019) OF THE ACTION TAKEN PURSUANT  
TO THE RECOMMENDATIONS OF JOINT PARLIAMENTARY COMMITTEE  
ON STOCK MARKET SCAM AND MATTERS RELATING THERETO**

Sl. No.	Para No.	Observation/Recommendation of JPC	Reply of Government/Action Taken	Further Progress
1.	5.159	<p>In view of the foregoing the Committee recommend the following:-</p> <p>(i) Action for recovery of the outstanding advances which have been diverted and the other advances which have now been categorized as NPAs be expedited.</p> <p>(ii) In case there is any dereliction of duty on the part of the Bank Auditors, the same may be referred to the Institute of Chartered Accountants of India for further enquiry and appropriate action.</p> <p>(iii) Even though there were no breach of regulations, it was observed that certain loans were sanctioned without comprehensive evaluation and therefore, the bank must ensure that proper credit appraisal and monitoring system is in place.</p> <p>(iv) The procedural working of the banks must be strengthened and the RBI must ensure that the rectification, if any, takes place in a time-bound manner.</p> <p>(v) In the immediate aftermath of the Stock Market crash, RBI focused on one new private bank although other private banks also had large exposure to the capital market including some who had exceeded RBI limits.</p> <p>Now that substantial information is available about all the banks</p>	<p><b>As reported in May, 2003</b></p> <p>(i) Global Trust Bank (GTB) has reported that they are initiating legal action in respect of all Ketan Parekh related NPA accounts. As regards recovery in other NPA accounts, the bank has reported recovery of Rs.5.98 crores and Rs.9 crores during January 2003 and February 2003, respectively.</p> <p>(ii) As regards any dereliction of duty on the part of the Bank Auditors, the matter has already been brought to the notice of Institute of Chartered Accountants of India (ICAI) by RBI.</p> <p>(i) The bank has been directed by RBI to take corrective action.</p> <p>(ii) RBI has issued Instructions to its regional offices on 29.05.2002 to streamline and strengthen the system of follow-up action on the findings of Annual Financial Inspection of banks in a time bound manner. Details have given in reply to Para No.10.8.</p> <p>(v) In order to review the capital market exposure of banks in a uniform and consistent manner, the Reserve Bank of India is obtaining monthly reports on capital market exposure from all banks.</p> <p><b>As reported in December 2003</b></p> <p>Follow up action is in progress.</p> <p><b>As reported in June, 2004</b></p> <p>RBI is following up the recovery of the amounts on a continuous basis.</p> <p><b>As reported in December, 2004</b></p> <p><b>Bank of India</b> - Recovered Rs. 17.62 lakh during the period and the balance outstanding was Rs. 121.43 crore as on June 30, 2004. The bank is going ahead with compromise settlement in respect of Ketan Parekh group entities with the approval of the Government of India.</p>	<p>For the year 2000-01: Members answerable as Disclosed by the Respondent firm i.e. M/s Lovelock &amp; Lewes</p> <p><b>Sh. S. Gopalakrishnan</b></p> <p><b>Sh. P. Rama Krishna</b></p> <p><b>Sh. Manish Agarwal</b></p> <p>The further enquiry as per directions of the Council in the matter of Sh. P. Ramakrishna was concluded and the report of the Disciplinary Committee was sent to the respondent. The matter was listed for consideration in the 379<sup>th</sup> meeting of the Council held on 17<sup>th</sup> and 18<sup>th</sup> December, 2018 and Counsel of CA P. Ramakrishna was not available for hearing before the council in the said meeting.</p> <p>The matter was further listed for consideration of the Council on 10<sup>th</sup> January, 2019, wherein the Counsel for the Respondent CA P. Ramakrishna was present and sought adjournment on medical ground. However, the matter could not be taken for consideration due to paucity of time.</p>

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concerned, the Committee recommends RBI undertake a thorough review and process matters relating to all concerned in a uniform and consistent manner.	<p><b>Global Trust Bank Ltd.</b> - Classified the accounts as NPAs has made 100% provision for the total exposure and filed criminal cases as well as cases with DRTs against parties.</p> <p><b>ICICI Bank Ltd.</b> – Recalled the loan in one account and suit is being filed.</p> <p><b>Centurion Bank Ltd.</b> – Has fully written off the outstanding balance in accounts relating to Ketan Parekh entities and has also initiated legal proceedings in DRT -II.</p> <p><b>Bank of Punjab Ltd.</b> – Has filed recovery suits in DRT and issued notice under SARFAESI Act, 2002 for taking possession of property mortgaged.</p> <p><b>Ratnakar Bank Ltd.</b> – Loan against fixed deposit has since been fully adjusted.</p> <p>The above banks have been advised by RBI to take effective steps to recover the entire amount from the Ketan Parekh entities expeditiously.</p>	(ii) For the year 2001-02: Members answerable as Disclosed by the Respondent firm i.e. M/s Lovelock & Lewes:
		<p><b>Shri Kersi H. Vachha</b> <b>Shri Amal Ganguli</b></p>
		No Change
	<p><b>As reported in July, 2005</b></p> <p>(i) All the concerned banks have filed cases in DRT, Mumbai against the companies concerned and their guarantors etc. As the number of cases pending against companies of Ketan Parekh Group is numerous, the proceedings in the DRT are slow. The process of recovery will take its own legal course.</p> <p>(ii) ICAI have informed that they have called the comments/ explanations of the auditors concerned on 25.2.2005. The concerned statutory auditors for the years 2001-02 and 2002-03 have sent in their respective responses dated 25th May, 2005 which have been received by ICAI on 24<sup>th</sup> May, 2005.</p> <p>The auditors have categorically stated in their aforesaid responses that since the RBI has neither provided the relevant Annual Financial Inspection(s) and the basis/parameters adopted by the special auditors and has also restrained the ICAI from parting with the Special Audit Report for perusal/examination by the statutory auditors for the year 2001-02, they are not in a position to offer any view/explanation thereon. They had expressed their inability to offer their comments/explanation, in</p>	(iii). For the year 2002-03: Members answerable as disclosed by the Respondent firm i.e. M/s Price Waterhouse & Co.:
		<p><b>Shri. Partha Ghosh</b> <b>Shri. D.V. P Rao</b></p>
		<p>The reports of the disciplinary committee in respect of the hearing concluded with respect to auditors, CA. Partha Ghosh and CA. DVP Rao, were sent to the respective Respondents. The matter was listed for consideration in the 379<sup>th</sup> meeting of the Council held on 17<sup>th</sup> &amp; 18<sup>th</sup> December, 2018. However, the matter was not considered in the said meeting as CA. Partha Ghosh sought adjournment on the ground that he was suffering from Thyroid cancer and unable to appear before the Council.</p>
		<p>The matter was further listed for consideration of the Council on 10<sup>th</sup> January, 2019 but the respondent CA Partha Ghosh sought adjournment on the same medical ground and was unable to appear before the Council. Keeping in view the Principal of Natural Justice, the adjournment was granted to the Respondent.</p>

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	<p>the absence of the relevant data/information/details. They have, however, added that they have conducted the respective audits in accordance with the generally accepted accounting and auditing practices (GAAP) and the various pronouncements and accordingly requested the Institute to close the matter.</p>	
	<p>Further examination of the matter is in process at ICAI.</p>	
	<p><b>As reported in December, 2005</b></p>	
	<p>The documents/details sought by the respective respondent-firms for submission of their respective explanation were received by ICAI from the RBI on 4<sup>th</sup> August, 2005 and the same were forwarded on 5<sup>th</sup> August, 2005 to the respondent firms with stipulation that their explanation/comments should reach them by 31<sup>st</sup> August, 2005.</p>	
	<p>The respective respondent-firms have furnished their explanation/comments vide their letter dated 15.9.05 &amp; 19.9.2005 respectively and the same is being examined and processed by the ICAI in terms of the provisions of Chartered Accountants Act, 1949 and the Regulations framed thereunder.</p>	
	<p><b>As reported in May, 2006</b></p>	
	<p>ICAI have informed that they are hopeful to complete the exercise shortly.</p>	
	<p><b>As reported in December, 2006</b></p>	
	<p>ICAI have informed that based on the examination of latest inputs received from the Oriental Bank of Commerce along with the earlier papers received from the RBI, Special Auditors, clarifications of the Statutory Auditors and other documents, a finality has been reached on treating certain allegations as "information" under Section 21 of the Chartered Accountants Act, 1949. Accordingly, the "information" letter(s) i.e., Show Cause notice(s) have been issued to the concerned Statutory Auditors viz. M/s Lovelock &amp; Lewes, Chartered Accountants, Kolkata (for the year 2000-01) and M/s price Waterhouse &amp; Co., Chartered Accountants, Kolkata (for the year 2002-03) on 1.12.06 &amp; 5.12.06 respectively.</p>	
	<p><b>As reported in May, 2007</b></p>	
	<p>ICAI have informed that written statements(s) from the member(s) answerable have been received and the matter would be placed</p>	



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	<p>before the Council in its next meeting scheduled to be held in the month of June 2007.</p>	
	<p><b>As reported in December, 2007</b></p>	
	<p>ICAI have informed that the matters relating to all the three years i.e. 2000-01, 2001-02 and 2002-03 have been considered by the Council at its meeting held between 16<sup>th</sup> and 18<sup>th</sup> August, 2007 for its prima facie opinion and the Council has referred all these matters to the Disciplinary Committee for inquiry. The matters have been fixed for hearing by the Disciplinary Committee scheduled to be held between 13<sup>th</sup> and 15<sup>th</sup> December, 2007.</p>	
	<p><b>As reported in May, 2008</b></p>	
	<p>ICAI have informed that the meeting held on 13.12.07, the Reserve Bank of India, which was cited as one of the witnesses in these matters had sought adjournment on the grounds that they needed time to send the documents, the Disciplinary committee adjourned these matters to 22<sup>nd</sup> and 23<sup>rd</sup> April, 2008.</p>	
	<p>During the hearing on 22<sup>nd</sup> April 2008, the respondents requested the Committee that they require 30 to 45 days time for submitting their working papers which are quite voluminous in number. After considering the request of the respondents, the Committee, on grounds of natural justice gave the last opportunity to the respondents to present their defence and consequently adjourned the hearing.</p>	
	<p><b>As reported in December, 2008</b></p>	
	<p>ICAI have informed that the hearing for the matter relating to the year 2000-01 took place on 1.8.08 at Mumbai and the same was concluded on that day itself. The respondents were requested to send certain documents as directed by the Disciplinary Committee at the time of hearing and the same have been received from them. The Report of the Disciplinary Committee is under preparation.</p>	
	<p>Regarding matters relating to the year 2001-02 and 2002-03, they have informed that the matter has been adjourned to 6<sup>th</sup> &amp; 7<sup>th</sup> October 2008 at Mumbai. On 6.10.08, the matter was part heard and adjourned to 8.11.08.</p>	

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	<p><b>As reported in June, 2009</b></p> <p>ICAI have informed as under:</p> <p>(i) The hearing in the matter(s) relating to the years <b>2000-01 and 2001-02</b> has been concluded by the Disciplinary Committee and the said Reports are included in the agenda of the Council Meeting for its final consideration. If these Reports are accepted by the Council, it would be recommending the punishment to the concerned High Court(s) for its final approval.</p> <p>(ii) The hearing in the matter relating to <b>2002-03</b> has been concluded on 23.03.09 by the Disciplinary Committee but thereafter, the Respondents had filed a Writ Petition before the Hon'ble High Court of Bombay. The Hon'ble High Court has passed its Orders and the same are under consideration by the Disciplinary Committee for further course of action.</p> <p><b>As reported in December, 2009</b></p> <p>As regards the hearing in the matter relating to the year <b>2000-01</b> is concerned, ICAI have informed that after the hearing was fixed in the month of March and April, 2009, adjournment requests from the Respondents was received which was acceded to and accordingly the said Report was included in the Agenda of the Council Meeting to be held from 8<sup>th</sup> to 10<sup>th</sup> of August, 2009. In the said meeting, the Respondents, namely, Shri P. Ramakrishnan and Shri Manish Agarwal requested for adjournment on the ground that their partner, Shri S. Gopalakrishnan was not available. The Council on their request adjourned the matter for the last time and further directed the Office to have a copy of the Disciplinary Committee Report served on Shri S. Gopalakrishnan in the jail which has been duly served on him in the jail. Further, Shri S. Gopalakrishnan has written a letter dated 8<sup>th</sup> August, 2009 wherein he had requested to defer the hearing in the case till his release on bail.</p> <p>The said report would be placed before the Council at its next meeting to be held on 16<sup>th</sup> &amp; 17<sup>th</sup> December 2009.</p> <p>As regards, the hearing in the matter relating to the year <b>2001-02</b> is concerned, it is informed that the said Report has been included</p>	

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	<p>in the Agenda of the Council and the Council after consideration of this Report along with the written submissions of the Respondent, if any, if accepts the Report of the Disciplinary Committee would recommend the punishment to the concerned High Court.</p> <p>In context with the hearing relating to the year <b>2002-03</b> and further to the hearing concluded on 23<sup>rd</sup> of March, 2009, it is to mention that the Respondents had filed Writ Petition in the Hon'ble High Court of Bombay and the Hon'ble High Court vide its Order dated 16<sup>th</sup> April, 2009 had given certain directions to the Disciplinary Committee. In compliance with the directions, the Hon'ble High Court of Bombay, the Disciplinary Committee passed its Speaking Order dated 8<sup>th</sup> July, 2009 and the same was informed to the Respondents vide Institute's letter dated 18<sup>th</sup> July, 2009 in which fresh date(s) of hearing were also intimated to them i.e. on 20<sup>th</sup> and 21<sup>st</sup> August, 2009 at Mumbai. On receipt of the notice for fixation of hearing in the month of August, 2009, the Respondents again raised certain issues relating to the enquiry which were clarified to them vide Institute's letter dated 12<sup>th</sup> August, 2009. In furtherance to that, the Respondents moved the Hon'ble High Court in the month of August, 2009 and the same came up for hearing on 15<sup>th</sup> of August, 2009 wherein the Hon'ble High Court directed the Disciplinary Committee to give all the documents which are relied upon by the Disciplinary Committee against the Respondents within two weeks' time. In compliance with the Order of the Hon'ble High Court of Mumbai, though all the documents were parted with the Respondent, yet all the documents as received from the witnesses i.e. Reserve Bank of India and the Special Auditors were sent once again to the Respondents and notices were issued for the next date of hearing to be held on 16<sup>th</sup> and 17<sup>th</sup> of September, 2009. The said notice was issued on 25<sup>th</sup> of August, 2009 to the Respondents including the witnesses.</p> <p>The Respondents again moved the Hon'ble High Court of Bombay and filed Contempt of Court Petition before the Hon'ble High Court against the Disciplinary Committee of the Institute on 9<sup>th</sup> of September, 2009. The said matter came for hearing on 11<sup>th</sup> of</p>	

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	<p>September, 2009 for which a short adjournment was sought and the same came up for hearing on 15th of September, 2009. It was brought to the notice of the Hon'ble Court that all the documents as received from the witnesses have already been parted to the Respondents and the letter to the said effect had also been sought from the Reserve Bank of India which was placed before the Hon'ble High Court on 15th of September, 2009 and once again all the documents which were earlier provided to the Respondents were again given to them before the Hon'ble High Court. The said hearing in the matter was again postponed which was scheduled to be held on 16th and 17th of September, 2009 on the directions of Hon'ble High Court.</p> <p>The Hon'ble Court was of the view that it was not necessary to pursue the exercise of the Contempt Jurisdiction. The Contempt Petition was accordingly disposed off.</p> <p>Now, the next date of hearing in the said matter is most likely to be fixed on 15th &amp; 16th January, 2010.</p> <p>As reported in May, 2010</p> <p>The ICAI have informed that latest progress made in the matter is as under:</p> <p>a) <b>For the year 2000-01:</b> Members answerable Disclosed by the Respondent firm</p> <p>Shri S. Gopalakrishnan  Shri P. Rama Krishnan  Shri Manish Agarwal</p> <p>On consideration of the Report of the Disciplinary Committee, the Council accepted the Report of the Disciplinary Committee with respect to CA. P. Rama Krishnan and held the Respondent guilty of professional misconduct falling within the meaning of Clauses (6), (7), (8) &amp; (9) of Part I of Second Schedule to the Chartered Accountants Act, 1949 and recommended to the concerned High Court that his name be removed for 5 years from the list of members. Thereafter, he has filed a Writ Petition in the Hon'ble Delhi High Court. Counter affidavit has been filed by the Institute and the Respondent has sought time from the Court to</p>	

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	<p>file their rejoinder and, accordingly, the case was listed for hearing on 12th April, 2010 and no further progress has been received.</p> <p>Further, the Council accepted the report of Disciplinary Committee with respect to CA. Manish Agarwal and held the respondent guilty of as per notification no. 1-CA (15)/60 dated 4<sup>th</sup> November, 1960, falling within the meaning of Clause (7) of Part I of Second Schedule to the Chartered Accountants Act, 1949 and recommended to the concerned High Court that his name be removed for 3 years from the list of members.</p> <p>As regards CA. S. Gopalakrishnan is concerned, since he was in judicial custody, the Council has decided to send one final notice to him informing that his report would be heard by the Council after 60 days. Accordingly, the notice is being sent to him to send his written representation or to send his counsel to appear before the Council at its next meeting to be held between 3<sup>rd</sup> and 5<sup>th</sup> May, 2010.</p> <p>b) <b><u>For the year 2001-02:</u></b> Members answerable Disclosed by the Respondent firm</p> <p>Shri Kersi H. Vachha Shri Amal Ganguli</p> <p>The Report of the Disciplinary Committee has been included in the Agenda of the Council which is most likely to be considered in its next meeting to be held between 3<sup>rd</sup> and 5<sup>th</sup> May, 2010. The Council after consideration of this Report along with the written submissions of the Respondent(s), if any, if accepts the Report of the Disciplinary Committee would recommend the punishment to the concerned High Court.</p> <p>c) <b><u>For the year 2002-03:</u></b> Members answerable Disclosed by the Respondent firm</p> <p>Shri Partha Ghosh Shri D. V. P. Rao</p> <p>The hearing(s) fixed in the month of January and February, 2010 was adjourned at the request of Respondent(s). The hearing in this matter was scheduled for 6<sup>th</sup> and 7<sup>th</sup> April, 2010 at New Delhi and no further progress has been received.</p>	

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	<p><b>As reported in December, 2010</b></p> <p>(i) For the year 2000-01: Members answerable as disclosed by the Respondent firm i.e. M/s Lovelock &amp; Lewes: Shri S. Gopalakrishnan Shri P. Ramakrishnan Shri Manish Agarwal</p> <p>All the three Respondent- members have been found prima facie guilty by the Council of ICAI. Enquiry against them has been completed by the Disciplinary Committee and Reports submitted to the Council of ICAI. The Council, on consideration of the respective Reports had accepted the same. The subsequent developments in the matter are as under :</p> <p>(a) Shri S. Gopalakrishnan has been granted bail and consequently he is not under custody now.</p> <p>(b) Shri P. Ramakrishnan has filed a Writ Petition in the Hon'ble High Court of Delhi against the decision of the Council. The Hon'ble High Court of Delhi concurred, inter alia, with the plea of Shri P. Rama Krishnan about the non-applicability of the provisions of the Chartered Accountants Act, 1949 (pre-amended) and has held that disciplinary proceedings in the instant matter against the Respondent should recommence from the stage specified by it (i.e. from formation of prima facie opinion) and would continue only under the amended provisions of the Chartered Accountants Act and not under the pre-amended Section 21 of the Act.</p> <p>The ICAI has filed an appeal against the Order of the Hon'ble High Court of Delhi in the matter.</p> <p>The Court has fixed the said matter for final disposal on 8<sup>th</sup> December, 2010.</p> <p>In view of aforesaid Order of the Hon'ble High Court of Delhi, MCA have been legally advised not to initiate any further action even in the case of Shri S. Gopalakrishnan and Shri Manish Agarwal.</p> <p>(ii) For the year 2001-02: Members answerable as disclosed by the Respondent firm i.e. M/s Lovelock &amp; Lewes: Shri Kersi H. Vachha Shri Amal Ganguli</p>	

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	<ul style="list-style-type: none"> <li>• The two Respondent-members have been found prima facie guilty by the Council of ICAI.</li> <li>• Enquiry against them has been completed by the Disciplinary Committee and Reports submitted to the Council;</li> <li>• Reports of the Disciplinary Committee were slated for consideration by the Council at its meeting held between 3rd and 5th May, 2010. However, an adjournment request was received on behalf of the Respondent(s) seeking time till 31st of May, 2010 to send their written representations which have been acceded to. Thereafter, another request for extension of time was received seeking time till 30th of June, 2010 to send their written representations which have also been acceded to with a stipulation that this is the final extension of time. Meanwhile, another request for extension to send their written representation has been received vide letter dated 29<sup>th</sup> June, 2010, which has not been acceded to.</li> </ul> <p>It is pertinent to mention here that it is most likely that on the basis of the favorable Order of the Hon'ble High Court of Delhi in case of Shri P Rama Krishnan, the Respondent-members for the year 2001-02 may cite the Order of the Hon'ble High Court of Delhi on the Writ Petition filed by Shri P. Rama Krishnan and seek similar treatment.</p> <p>(iii) For the year 2002-03: members answerable as disclosed by the Respondent firm i.e. M/s Price Waterhouse &amp; Co.:</p> <p>Shri Partha Ghosh Shri D. V. P. Rao</p> <ul style="list-style-type: none"> <li>• All the two Respondent- members have been found prima facie guilty by the Council of ICAI;</li> <li>• Eight hearings had been held by the Disciplinary Committee till March 2010. Further hearing was fixed on 1st May, 2010.</li> </ul> <p>It is submitted that every effort is being made by ICAI through the applicable Court of Law to get the Order of the Hon'ble High Court of Delhi in favour of Shri P Rama Krishnan reversed. The ICAI is waiting for the outcome of the Appeal filed by it against the said Order of the Hon'ble High Court of Delhi (Single Judge)</p>	

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	<b>As reported in June, 2011</b>	
	(i) For the year 2000-01: Members answerable as Disclosed by the Respondent firm i.e. M/s Lovelock & Lewes.:	
	Shri S. Gopalakrishnan	
	Shri P. Ramakrishnan	
	Shri Manish Agarwal	
	The case is pending in the Hon'ble High Court of Delhi and the next date of hearing in the matter is 31.5.2011.	
	(ii) For the year 2001-02: Members answerable as Disclosed by the Respondent firm i.e. M/s Lovelock & Lewes:	
	Shri Kersi H. Vachha	
	Shri Amal Ganguli	
	No change in status	
	(iii) For the year 2002-03: Members answerable as Disclosed by the Respondent firm i.e. M/s Price Waterhouse & Co.:	
	Shri Partha Ghosh	
	Shri D. V. P. Rao	
	No change in status	
	<b>As reported in December, 2011</b>	
	i) For the year 2000-01: Members answerable as Disclosed by the Respondent firm i.e. M/s Lovelock & Lewes.:	
	Shri S. Gopalakrishnan	
	Shri P. Ramakrishnan	
	Shri Manish Agarwal	
	A Division Bench of the Hon'ble High Court of Delhi on 31.5.2011 heard the case and reserved the pronouncement of the judgment. It pronounced its judgment on 30th September,2011 which is, inter alia, as under:	
	"Para 37- The intention of the legislation in enacting - Section 21-D of the Chartered Accountants Act, 1949 is to draw out or make a distinction between the cases pending before the Council on a complaint or on information, and ensure that the amended	



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	<p>provisions would apply to a fresh complaint or information and the unamended Act will apply to the pending complaints or information. It is inconceivable and there is no good reason or cause why distinction should be made between 'information' and 'complaint' for the purpose of deciding whether the amended or unamended provision would apply. The legislation intent behind incorporating Section 21 D is to make the legal position beyond doubt or cavil so that there is no dispute. Even under Section 6 of the General Clauses Act the position is the same. In these circumstances, we would prefer the interpretation placed by the appellant on the word 'complaint' as used in Section 21D. The word complaint includes information cases which were pending before the Council on 17th November, 2006. In the facts of the present matter as discussed above, proceedings or complaint in the form of information was pending before the council on 17th November, 2006 and accordingly the unamended provisions will apply."</p> <p>"Para 38- In view of the aforesaid reasoning, the present appeal is allowed and it is held that the procedure prescribed by the amended C.A. Act, 1949 i.e. Sections 21, 22 and 22A would be applicable to pending proceedings in information case and not the procedure prescribed after the amendment made by the Chartered Accountants (Amendment) Act, 2006. As already held above, the appellants have not challenged the other findings and directions given by the learned Single Judge. The appeal is accordingly disposed of. In the facts of the case, there will no order as to costs."</p> <p>ICAI has informed that in view of above, the Report with respect to S/Shri S. Gopalakrishnan, P. Rama Krishnan and Manish Agarwal is listed for consideration by the Council of the ICAI at its meetings scheduled to be held on 8<sup>th</sup> and 9<sup>th</sup> November, 2011 at New Delhi.</p> <p>(ii) For the year 2001-02: Members answerable as Disclosed by the Respondent firm i.e. M/s Lovelock &amp; Lewes:</p> <p>Shri Kersi H. Vachha Shri Amal Ganguli</p>	

Sl. No. Para No. Observation/Recommendation of JPC	Reply of Government/Action Taken	Further Progress
	<p>ICAI has informed that in view of the Order of the Division Bench of the Hon'ble High Court of Delhi, the Report with respect to S/ Shri Kersi H. Vachha and Amal Ganguli is listed for consideration by the Council at its meeting scheduled to be held on 8<sup>th</sup> and 9<sup>th</sup> November, 2011.</p>	
	<p>(iii) For the year 2002-03: Members answerable as Disclosed by the Respondent firm i.e. M/s Price Waterhouse &amp; Co.:</p>	
	<p>Shri Partha Ghosh</p>	
	<p>Shri D. V. P. Rao</p>	
	<p>ICAI has informed that in view of the Order of the Division Bench of the Hon'ble High Court of Delhi, the hearing by the Disciplinary Committee in the matter(s) relating to S/Shri Partha Ghosh and D.V.P. Rao is scheduled to be held in the month of November-December, 2011.</p>	
	<p><b>As reported in June, 2012</b></p>	
	<p>Proceedings in connection with audit of Global Trust Bank Ltd. (GTB) for the years 2000-01 (M/s Lovelock &amp; Lewes), 2001-02(M/ s Lovelock &amp; Lewes) and 2002-03 (M/s price Waterhouse &amp; Co.).</p>	
	<p>(i) For the year 2000-01: Members answerable as Disclosed by the Respondent firm i.e. M/s Lovelock &amp; Lewes.:</p>	
	<p>Shri S. Gopalakrishnan</p>	
	<p>Shri P. Ramakrishnan</p>	
	<p>Shri Manish Agarwal</p>	
	<p>The Report with respect to S/Shri S. Gopalakrishnan, R. Rama Krishnan and Manish Agarwal had been listed for consideration by the Council at its meeting scheduled on 8th November, 2011, New Delhi. Thereafter, before the consideration of the said Report by the Council, CA. P. Rama Krishnan filed Special Leave Petition in Supreme Court against the Order of the Learned Division Bench of High Court of Delhi, the Council while noting that the said SLP was yet to be listed and considering the facts and the circumstances of the case coupled with the fact that written representation dated 11th December, 2009, Affidavit dated 3rd February, 2010 and additional papers have been received from him, the Council decided to proceed further in the matter.</p>	

Sl. No. Para No. Observation/Recommendation of JPC	Reply of Government/Action Taken	Further Progress
	<p>Accordingly, the Council took up the consideration of the Reports in the matter of P. Rama Krishnan and Manish Agarwal and decided as under:</p> <p>Shri P. Rama krishnan was held guilty of professional misconduct falling within the meaning of Clauses (6),(7),(8) &amp; (9) of Part I of Second Schedule to the Chartered Accountants Act, 1949 and consequently recommended to the concerned High Court that his name be removed for 5 years from the Register of Members. The SLP filed by Shri P. Ramakrishnan came up before the Supreme Court on 25th November, 2011 and the Supreme Court, inter alia, ordered as under:</p> <p>“Until further orders, final order shall not be passed by the Respondent No.1 (ICAI) in so far as petitioner (P. Ramakrishnan) herein is concerned”.</p> <p>The Hon’ble Supreme Court had directed the Respondent Institute to file its counter affidavit by 24th February, 2012 which the Institute has filed and the next date of hearing had been fixed for <b>26th March, 2012</b>. On 26th March, 2012, the Hon’ble High Court has directed the Union of India to file their counter reply by 8th May, 2012. Irrespective of whether the counter reply is filed by the stipulated date, the next date of hearing has been fixed for 2<sup>nd</sup> July, 2012.</p> <p>Shri Manish Agarwal was held guilty of professional misconduct in terms of Notification No.1-CA (15)/60 dated 4th November, 1960 falling within the meaning of Clause (7) of Part I of Second Schedule to the Chartered Accountants Act, 1949 and consequently recommended to the concerned High Court that his name be removed for 3 years from the Register of Members. However, on the date of hearing, an adjournment letter dated 8th November, 2011, has been received from the Respondent No. 1 i.e. S. Gopalakrishnan requesting therein that since he has been released on bail in the month of November, 2011. Accordingly, he needs some time to send his written submissions; the Council decided to give 45 days’ time to the Respondent to submit his written submissions and adjourned the consideration of the Report in the said matter on 8th November, 2011.</p>	

Sl. No. Para No. Observation/Recommendation of JPC	Reply of Government/Action Taken	Further Progress
	<p>Thereafter, Respondent No.1 i.e. S. Gopalakrishnan has also submitted his written submissions vide letter dated 26<sup>th</sup> December, 2011.</p> <p>The Council considered the Report of the Disciplinary Committee on 26th-28th March, 2012. On consideration of the report along with the written and oral submissions of the Counsel for the Respondent, the Council decided as under:</p> <p>Shri S .Gopalakrishnan was held guilty of professional misconduct falling within the meaning of Clauses (6),(7), (8), &amp; (9) of Part I of Second Schedule to the Chartered Accountants Act, 1949 and consequently recommended to the concerned High Court that his name be removed for 5 years from the Register of Members.</p> <p><b>(ii) For the year 2001-02: Members answerable as Disclosed by the Respondent firm i.e. M/s Lovelock &amp; Lewes:</b></p> <p>Shri Kersi H. Vachha Shri Amal Ganguli</p> <p>In view of the Order of the Division Bench of the Hon'ble High Court of Delhi, the Report with respect to S/Shri Kersi H. Vachha and Amal Ganguli was listed for consideration by the Council at its forthcoming meeting schedule to be held on 8th and 9th November, 2011. On the date of hearing, a request for adjournment has been received from the Respondents, based on the circumstances mentioned by them and accordingly decided to adjourn the Report of the Disciplinary Committee. Thereafter, it was again fixed for consideration of the Disciplinary Committee Report by the Council on 14th December, 2011. Meanwhile, the Respondents had filed Writ Petition before the Hon'ble High Court of Bombay whereat after hearing both the parties, the Hon'ble High Court of Bombay vide Order dated 15th December,2011 passed the interim order which are as under:</p> <p>"In the meanwhile, so far as the interim protection is concerned, in our view, it would be just and proper to allow the first respondent to hear the petitioners on the report of the Disciplinary Committee and after hearing the petitioners if any final decision is taken, no further steps should be taken on the basis of such final report till the next date of hearing."</p>	

Sl. No. Para No. Observation/Recommendation of JPC	Reply of Government/Action Taken	Further Progress
	<p>The matter came up for hearing on 1<sup>st</sup> March, 2012 and the counsels for both the sides submitted before the Court that since the Special Leave petition has been filed by one of the petitioners in the Global Trust Bank matter pertaining to the financial year 2000-01 is to come up for hearing before the Hon'ble Supreme Court on 26th March, 2012. However, the interim orders which were passed by the Hon'ble High court of Bombay on 15th December, 2011 continued. Further, they requested the Court to take up the matter after hearing the Hon'ble Supreme Court takes place. Accordingly, the next date of hearing has been fixed for 23rd April, 2012.</p> <p>In consonance with the interim orders of Hon'ble High Court of Bombay that after taking final decision, no further steps would be taken on the basis of such final report by the Council of the Institute till the next date of hearing by the Hon'ble High Court. The next date of hearing has been fixed on 16th July, 2012 and in the meanwhile, the interim orders of the Hon'ble High Court are still continuing.</p> <p>The consideration of the Report of the Disciplinary Committee with respect to S/Shri Kersi H. Vachha and Amal Ganguli was fixed for 26th-28th March, 2012. On consideration of the Report of the Disciplinary Committee along with written submission made by the authorized representative, the Council held the Respondents are guilty of professional misconduct falling within the meaning of Clauses (5), (6), (7), (8) and (9) of 1 Part of the Second Schedule to the Chartered Accountants Act, 1949 and recommended to the High Court that the name of the Respondents be removed from the Register of Members for a period of Five years.</p> <p>(iii) For the year 2002-03: Members answerable as Disclosed by the Respondent firm i.e. M/s Price water house &amp; Co.:</p> <p>Shri Partha Ghosh Shri D. V. P. Rao</p> <p>In view of the Order of the Division Bench of the Hon'ble High Court of Delhi and thereafter filing of special Leave Petition by one of the answerable Respondents(s) i.e. P. Ramakrishnan and</p>	

Sl. No. Para No. Observation/Recommendation of JPC	Reply of Government/Action Taken	Further Progress
	<p>thereafter the Writ Petitions filed by M. K. H. Vachha and Mr. Amal Ganguly before the Hon'ble High Court of Bombay, the hearing is yet to be fixed again in respect of these matter(s).</p> <p><b>As reported in December, 2012</b></p> <p>Institute of Chartered Accountants (ICAI) has reported that the following members of ICAI were disclosed to be answerable in connection with the audit of Global Trust Bank Ltd. (GTB):</p> <p>(a) by respondent firm M/s Lovelock &amp; Lewes:</p> <ul style="list-style-type: none"> <li>• Three members for the year 2000-01</li> <li>• Two members for the year 2001-02, and</li> </ul> <p>(b) By respondent firm M/s Price Waterhouse &amp; Co.:</p> <ul style="list-style-type: none"> <li>• Two members for the year 2002-03</li> </ul> <p>ICAI has completed its enquiry against five Members answerable for 2000-01 and 2001-02 and has recommended to the High Court of Delhi that their names be removed from the Register of Members. These Members are:</p> <p>(i) Shri S. Gopalakrishnan (ICAI has recommended that his name be removed for 5 years).</p> <p>(ii) Shri P. Ramakrishnan (ICAI has recommended that his name be removed for 5 years).</p> <p>(iii) Shri Manish Agarwal (ICAI has recommended that his name be removed for 3 years).</p> <p>(iv) Shri Kersi H. Vachha (ICAI has recommended that his name be removed for 5 years), and</p> <p>(v) Shri Amal Ganguli (ICAI has recommended that his name be removed for 5 years).</p> <p>In respect of two Members for 2002-03, namely Shri Partha Ghosh and Shri D.V. Rao, the ICAI has delayed deciding on the case for the year 2002-03 in view of litigation in Supreme Court/ High Court.</p> <p>Keeping in view the recommendations of ICAI to the Hon'ble High Court of Delhi, the action may be treated as complete in respect of 5 Members as indicated above.</p>	

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	<b>As reported in May, 2013</b>	
	No change in status	
	<b>As reported in December, 2013</b>	
	No change in status	
	<b>As reported in June, 2014</b>	
	For the year 2002-03: Members answerable as Disclosed by the Respondent firm i.e. M/s price Waterhouse & Co. :	
	Shri Partha Ghosh	
	Shri. D.V. Rao	
	All the two respondent members have been found prima facie guilty by the ICAI in October 2007.	
	Eight hearings have been held by the Disciplinary Committee till March 2010 and further hearing was fixed on 1 <sup>st</sup> May 2010. Thereafter, ICAI was legally advised that fixing up of further hearing in the matter be delayed till the appeal filed by the ICAI against the favourable decision of the Hon'ble High Court of Delhi in the case of Shri. P Ramakrishnan is decided by the Divisional Bench of Delhi High Court. Pursuant to the decision of the Divisional Bench of Delhi High Court on 30 <sup>th</sup> September 2011, the hearing was fixed on 24 <sup>th</sup> October 2011 which could not be held due to the adjournment request from the members concerned.	
	However, the hearing could not be held by ICAI thereafter, as Shri. P Ramakrishnan had filed a Special Leave Petition (SLP) in Supreme Court. P. Rama Krishnan, who was held answerable for the proceeding in connection with the audit of Global Trust bank (GTB) for the year 2000-01 had filed the SLP in Supreme Court (SC) against the Order of the Learned Division Bench of High Court (HC) of Delhi dated 30 <sup>th</sup> September 2011, which had upheld the decision of ICAI to remove his name for 5 years.	
	The SLP came up before the Supreme Court on 25 <sup>th</sup> November 2011 and the Supreme Court, inter alia, ordered as under:	
	"Until further orders, final order shall not be passed by the Respondent No.1 (ICAI) in so far as petitioner (P. Ramakrishnan) here in is concerned".	

Sl. No. Para No. Observation/Recommendation of JPC	Reply of Government/Action Taken	Further Progress
	<p>On 2<sup>nd</sup> July 2012, after hearing the matter, the Hon'ble Supreme Court granted four weeks' time to the Union of India to file its counter and one week thereafter to the petitioner to file his rejoinder and directed the matter to be listed after 6 weeks. Thereafter, the matter was listed on 24<sup>th</sup> August 2012. After hearing, the Hon'ble Supreme Court was pleased to grant leave in the matter and directed that interim order would remain operative until disposal of the appeal. The Hon'ble Supreme Court also directed that the hearing of the appeal be expedited and the same to be posted for hearing within one year. The application before the SC has been filed for early hearing since one year had already elapsed and the matter is yet to be listed before the Hon'ble SC.</p> <p>The hearing of the Disciplinary committee of ICAI in the matter was later fixed on 6<sup>th</sup> March, 2013 and the members concerned sought adjournment, which was granted. Finally, the hearing was held on 5<sup>th</sup> April, 2013 whereat the Respondent(s) and the witnesses were present and the matter was part heard on that day and thereafter, adjourned at the request of the Respondent(s).</p> <p>Subsequently, the members concerned file the Writ Petition before the Hon'ble Bombay High Court in April, 2013 which was dismissed by the Hon'ble High Court on 15<sup>th</sup> October, 2013 with the direction that the enquiry would be conducted not prior to 17<sup>th</sup> December 2013. Further, on the request of the Petitioners i.e. Shri Partha Ghosh and Others, the stay granted till 17<sup>th</sup> December, 2013 was extended up to 15<sup>th</sup> January, 2014. The next hearing in the matter was fixed in the month of April, 2014 but could not take place due to Lok Sabha Election. Now the hearing will be fixed after June, 2014.</p> <p><b>As reported in December, 2014</b></p> <p>No change in status</p> <p><b>As reported in July, 2015</b></p> <p>For the year 2002-03: Members answerable as Disclosed by the Respondent firm i.e. M/s Price Waterhouse &amp; Co.: Sh. Partha Ghosh</p> <p>Sh. D.V.P. Rao</p> <p>The hearing by the Disciplinary Committee was fixed on 21<sup>st</sup> August, 2014 at Mumbai but the same was adjourned at the</p>	



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	<p>request of the Respondent(s) and thereafter, the hearing was again fixed on 23<sup>rd</sup> September, 2014 but the same was adjourned due to unavoidable circumstances.</p> <p>Again the hearing was fixed on 5<sup>th</sup> November, 2014 in Mumbai but the same was adjourned at the request of the Respondent(s).</p> <p>Thereafter, the hearing was scheduled to be fixed in the month of January, 2015 in Mumbai, could not take place due to unavoidable circumstances.</p> <p>Now, the hearing by the Disciplinary Committee was scheduled to be held on 21<sup>st</sup> May, 2015 in Mumbai.</p> <p><b>As reported in December, 2015</b></p> <p>Status in connection with audit of Global Trust Bank Ltd. (GTB) for the years 2000-01 (M/s Lovelock &amp; Lewes), 2001-02(M/s Lovelock &amp; Lewes) and 2002-03 (M/s Price Waterhouse &amp;Co.)</p> <p>i). For the year 2000-01: Members answerable as Disclosed by the Respondent firm i.e. M/s Lovelock &amp; Lewes:</p> <p>Sh. S. Gopalakrishnan  Sh. P. Rama Krishnan  Sh. Manish Agarwal</p> <p>As reported in December, 2012, Shri P. Rama Krishnan and Sh. S. Gopalakrishnan was held guilty of professional misconduct falling within the meaning of Clauses (6), (7), (8) &amp; (9) of Part I of Second Schedule to the Chartered Accountants Act, 1949 and consequently recommended to the concerned High Court that his name be removed for 5 years and the name of Sh. Manish Agarwal for 3 years from the Register of Members.</p> <p>As regards, P. Ramakrishnan is concerned, the SLP came up before the Supreme Court on 25<sup>th</sup> November, 2011 and the Supreme Court, inter alia, ordered as under (reported in June, 2014):</p> <p><i>“ Until further orders, final order shall not be passed by the Respondent No. 1 (ICAI) in so far as petitioner (P. Ramakrishnan) herein is concerned”</i></p>	

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	<p>Subsequently the Hon'ble Supreme Court vide its judgment dated 13<sup>th</sup> May, 2015 has passed an order as under:</p> <p>"We fully agree and subscribe the view taken by the Division Bench of the High Court in the Letters Patent Appeal.</p> <p>Hence, pending proceedings shall, no doubt, be governed under the old procedure prescribed before the Chartered Accountants (Amendment) Act which came into force in 2006.</p> <p>For the reasons aforesaid, we do not find any merit in this appeal which is accordingly dismissed."</p> <p>In terms of the above, the matter shall be taken up for consideration by the Council at its forthcoming meeting.</p> <p>(ii). For the year 2001-02: Members answerable as Disclosed by the Respondent firm i.e. M/s Lovelock &amp; Lewes:</p> <p>Shri Kersi H. Vachha Shri Amal Ganguli</p> <p>As reported in December, 2012</p> <p>On the consideration of the Report of the Disciplinary Committee along with written submissions made by their authorized representative with respect to Sh. Kersi H. Vachha and Amal Ganguli, the council held the Respondents are guilty of professional misconduct falling within the meaning of Clauses (5), (6), (7), (8) and (9) of Part I of the Second Schedule to the Chartered Accountants Act, 1949 and recommended to the High Court that the name of the Respondents be removed from the Register of Members for a period of 5 years.</p> <p>The Respondents had filed Writ Petition before the Hon'ble High Court of Bombay whereat after hearing both the parties, the Hon'ble High Court of Bombay vide Order dated 15<sup>th</sup> December, 2011 passed the interim order which are as under:</p> <p><i>"In the meanwhile, so far as the interim protection is concerned, in our view, it would be just and proper to allow the first respondent to hear the petitioners on the report of the Disciplinary Committee and after hearing the petitioners if any final decision is taken, no further steps should be taken on the basis of such final report till the next date of hearing".</i></p>	

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	<p>However, pursuant to the judgment of the Hon'ble Supreme Court in the matter of P. Ramakrishnan, the ICAI moved the Hon'ble High Court of Bombay for the disposal of interim application in which the interim orders as referred above were passed. However, in terms of the directions of the Hon'ble High Court of Bombay the findings of the Council have been sent to the concerned Respondents vide letter dated 19<sup>th</sup> October, 2015. The matter shall now be pursued as a Reference Case in the respective High Court for confirmation and implementation of the punishment awarded to the concerned Respondents as above.</p> <p>(iii). For the year 2002-03: Members answerable as disclosed by the Respondent firm i.e. M/s Price Waterhouse &amp; Co.:</p> <p>Shri. Partha Ghosh Shri. D.V. P Rao</p> <p>The hearing by the Disciplinary Committee was fixed on 21<sup>st</sup> May, 2015 at Mumbai in which the Counsel for the Respondent asked for the adjournment since one of the Respondent was out of station. The Committee adjourned the matter with a direction that no further adjournment would be granted in any of the circumstances.</p> <p>Thereafter, again the hearing was fixed on 7<sup>th</sup> July, 2015 at Mumbai in which Special Auditors were examined and cross-examined and thereafter the hearing was adjourned as RBI witness were not present.</p> <p>Further hearing in the matter is to be fixed for examination of witness(es)/ Oral submissions of the parties so as to conclude the same.</p> <p><b>As reported in June, 2016</b></p> <p>I. For the year 2000-01: Members answerable as Disclosed by the Respondent firm i.e. M/s Lovelock &amp; Lewes</p> <p>Sh. S. Gopalakrishnan Sh. P. Rama Krishnan Sh. Manish Agarwal</p> <p>The matter was taken up for consideration by the Council at its meeting held in January, 2016. The same was adjourned based on the legal/ technical objections raised by the Respondent.</p>	

Sl. No. Para No. Observation/Recommendation of JPC	Reply of Government/Action Taken	Further Progress
	<p>The matter was again fixed for consideration before the Council in March, 2016. However, the same was adjourned at the request of the respondent.</p> <p>Subsequently, the matter was fixed for consideration of the Report of the Disciplinary Committee on 3<sup>rd</sup> May, 2016. However, the same was again adjourned at the request of the Respondent as his counsel was out of country.</p> <p>II. For the year 2001-02: Members answerable as Disclosed by the Respondent firm i.e. M/s Lovelock &amp; Lewes: Shri Kersi H. Vachha Shri Amal Ganguli No change.</p> <p>III. For the year 2002-03: Members answerable as disclosed by the Respondent firm i.e. M/s Price Waterhouse &amp; Co.: Shri. Partha Ghosh Shri. D.V. P Rao</p> <p>The hearing was fixed on 23<sup>rd</sup> January, 2016 at Mumbai. However, the same was adjourned at the request of the Respondents.</p> <p>The hearing was again fixed for 30<sup>th</sup> and 31<sup>st</sup> May, 2016 at Mumbai for examination of witness (es)/ oral submissions of the parties. However, the same was adjourned on the request of the Respondents.</p> <p>Thereafter, the matter is now fixed for hearing on 14<sup>th</sup> and 15<sup>th</sup> July, 2016 at Mumbai.</p> <p><b>As reported in December, 2016</b></p> <p>(i). For the year 2000-01: Members answerable as Disclosed by the Respondent firm i.e. M/s Lovelock &amp; Lewes Sh. S. Gopalakrishnan Sh. P. Rama Krishnan Sh. Manish Agarwal</p> <p>The matter was fixed for consideration of the Report of the Disciplinary Committee on 3<sup>rd</sup> May, 2016. However, consideration of the same was deferred due to paucity of time.</p>	

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	<p>Thereafter, the matter was again fixed for consideration on 9<sup>th</sup> August, 2016. However the consideration of the matter was again deferred due to paucity of time.</p> <p>(ii). For the year 2001-02: Members answerable as Disclosed by the Respondent firm i.e. M/s Lovelock &amp; Lewes: Shri Kersi H. Vachha Shri Amal Ganguli</p> <p>As reported in December, 2015, pursuant to the judgment of the Hon'ble Supreme Court in the matter of P. Ramakrishnan, the ICAI moved the Hon'ble High Court of Bombay for the disposal of interim application in which the interim orders as referred to in the report submitted in December, 2015 were passed. However, in terms of the directions of the Hon'ble High Court of Bombay the findings of the Council have been sent to the concerned Respondents vide letter dated 19<sup>th</sup> October, 2015.</p> <p>Since both the respondents are within the jurisdiction of two different High Courts (Punjab &amp; Haryana and Bombay), it has to be determined by the Central Government, in accordance with the proviso to Explanation I of Section 21(7) of Chartered Accountants Act, 1949 as to which High Court to the exclusion of others, shall hear the cases against all the members (Respondents herein). Accordingly, the Ministry of Corporate Affairs was requested to decide as to which High Court (Punjab &amp; Haryana or Bombay) the reference may be forwarded for confirmation of punishment awarded by the Council against both the Respondents.</p> <p>(iii). For the year 2002-03: Members answerable as disclosed by the Respondent firm i.e. M/s Price Waterhouse &amp; Co.: Shri. Partha Ghosh Shri. D.V. P Rao</p> <p>During the hearing on 14<sup>th</sup> and 15<sup>th</sup> July, 2016 at Mumbai, the examination of the witness from the Reserve Bank of India was partly done and adjourned.</p> <p>Further, the next hearing in the matter was fixed for 23<sup>rd</sup> and 24<sup>th</sup> September, 2016 at Delhi.</p>	

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	<b>As reported in July, 2017</b>	
	<b>(i).</b> For the year 2000-01: Members answerable as Disclosed by the Respondent firm i.e. M/s Lovelock & Lewes	
	Sh. S. Gopalakrishnan	
	Sh. P. Rama Krishnan	
	Sh. Manish Agarwal	
	No Change	
	<b>(ii).</b> For the year 2001-02: Members answerable as Disclosed by the Respondent firm i.e. M/s	
	Lovelock & Lewes:	
	Shri Kersi H. Vachha	
	Shri Amal Ganguli	
	No Change	
	<b>(iii)</b> For the year 2002-03: Members answerable as disclosed by the Respondent firm i.e. M/s Price Waterhouse & Co.:	
	Shri. Partha Ghosh	
	Shri. D.V. P Rao	
	The hearing scheduled for 26 <sup>th</sup> September, 2016 could not be taken up due to unavoidable circumstances.	
	Further the next hearing was fixed for 2 <sup>nd</sup> November, 2016 at Delhi in absence of any directions of the Hon'ble High Court of Delhi barring the hearing as the respondents had filed an appeal before Hon'ble High Court in this matter. The hearing was part heard and was adjourned on the Respondents request.	
	The matter was again fixed for further hearing on 21 <sup>st</sup> and 22 <sup>nd</sup> December, 2016. However, on 14 <sup>th</sup> December, 2016, a writ petition, filed by these two members challenging the prima facie opinion formed by the council, came up for hearing before the Hon'ble High Court of Delhi and allowed the parties to file their counter and fixed the next date of hearing on 11 <sup>th</sup> January, 2017.	
	During the court proceeding on 14 <sup>th</sup> December, 2016, the counsel of the Respondent raised the issue of hearing fixed for 21 <sup>st</sup> and 22 <sup>nd</sup> December, 2016. However, the Court while not granting any	

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	<p>specific stay on the hearing fixed by ICAI, advised Advocate of ICAI, not to go ahead with the hearing for 21<sup>st</sup> and 22<sup>nd</sup> December, 2016. On such oral advice by the Hon'ble High Court of Delhi, the aforesaid hearing fixed for 21<sup>st</sup> and 22<sup>nd</sup> December, 2016 was adjourned.</p> <p>Thereafter, the matter came up before the Hon'ble High Court of Delhi on 11<sup>th</sup> January, 2017 and Court adjourned the matter to 24<sup>th</sup> April, 2017. The Hon'ble High Court of Delhi heard the matter on 24<sup>th</sup> April, 2017 and after hearing both parties to the Writ Petition, directed to give adequate time to the Respondents for examination and cross-examination of the witnesses (as requested by the Respondent to the Court). The Hon'ble High Court also decided not to grant any stay on the proceedings of the Disciplinary committee.</p> <p>In the meantime, next hearing in the matter was fixed by ICAI for 25<sup>th</sup> April, 2017 and notice in this regard was sent on 31<sup>st</sup> March, 2017 to the Respondents. To give adequate time to the parties for examination/cross examination, the hearing fixed for 25<sup>th</sup> April, 2017 was postponed to 9<sup>th</sup> and 10<sup>th</sup> May, 2017. On 9<sup>th</sup> May, 2017, the hearing was partly heard wherein the disciplinary committee examined the witness from M. Bhaskar Rao &amp; Co., special auditors. Thereafter, in compliance of the order of the Hon'ble High Court of Delhi whereby time was required to be given for cross examination of the witness (es), further hearing was adjourned to 7<sup>th</sup> and 8<sup>th</sup> June, 2017.</p> <p><b>As reported in December, 2017</b></p> <p>(i). For the year 2000-01: Members answerable as Disclosed by the Respondent firm i.e. M/s Lovelock &amp; Lewes:</p> <p>Sh. S. Gopalakrishnan  Sh. P. Rama Krishnan  Sh. Manish Agarwal</p> <p>Sh. Manish Agarwal and Sh. S. Gopalakrishnan were held guilty by the Council and consequently recommended to the concerned High Court for removal of their names for 3 years and 5 years</p>	

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	<p>respectively from the Register of Members. However, in respect of the third Respondent i.e. Sh. P. Rama Krishnan, subsequent to the decision taken by the Hon'ble Supreme Court on 13<sup>th</sup> May, 2015 dismissing the SLP filed by the Respondent, the report of the Disciplinary Committee was ultimately considered by the Council in its meeting held in May, 2017 and the case against the said Respondent has been referred back to the Disciplinary Committee for further enquiry on certain specific issues as emanating from the discussions at the time of consideration of the Report by the Council. This enquiry is scheduled to commence shortly.</p> <p><b>ii).</b> For the year 2001-02: Members answerable as Disclosed by the Respondent firm i.e. M/s Lovelock &amp; Lewes: Shri Kersi H. Vachha Shri Amal Ganguli</p> <p>The Council upon consideration of the Disciplinary Committee report along with written submissions made by the authorized representative of the Respondents, held the said Respondents guilty of professional misconduct and recommended to the High Court for removal of their name(s) from the Register of Members for a period for five years.</p> <p><b>(iii)</b> For the year 2002-03: Members answerable as disclosed by the Respondent firm i.e. M/s Price Waterhouse &amp; Co.: Shri. Partha Ghosh Shri. D.V. P Rao</p> <p>Further enquiry has been held in 2 sittings on 18<sup>th</sup> &amp; 19<sup>th</sup> July, 2017 and 23<sup>rd</sup> &amp; 24<sup>th</sup> August, 2017 whereat major witnesses have been examined and cross-examined by the Respondent and the Committee. The last hearing in the matter was held on 10<sup>th</sup> November, 2017 at Mumbai whereat Sh. Partha Ghosh was examined by the Counsel for the Respondents as the witness in case of Sh. D.V.P. Rao and as Respondent in his own case. The next hearing in the matter is scheduled to be held on 7<sup>th</sup> &amp; 8<sup>th</sup> December, 2017 at Mumbai.</p>	



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	<b>As reported in July, 2018</b>	
	(i) For the year 2000-01: Members answerable as Disclosed by the Respondent firm i.e. M/s Lovelock & Lewes	
	Sh. S. Gopalakrishnan	
	Sh. P. Rama Krishnan	
	Sh. Manish Agarwal	
	The matter against CA P Ramakrishnan was taken by the Disciplinary Committee for hearing on 4 <sup>th</sup> April, 2018 and after hearing the submissions of the Respondents on specific issues, the hearing in the matter was concluded. The report of the matter is under preparation and the same would be placed before the Council of ICAI for consideration subsequent to its finalization and issue to the Respondent.	
	(ii) For the year 2001-02: Members answerable as Disclosed by the Respondent firm i.e. M/s Lovelock & Lewes:	
	Shri Kersi H. Vachha	
	Shri Amal Ganguli	
	No Change	
	(iii) For the year 2002-03: Members answerable as disclosed by the Respondent firm i.e. M/s Price Waterhouse & Co.:	
	Shri. Partha Ghosh	
	Shri. D.V. P Rao	
	Subsequent to the hearing held on 7 <sup>th</sup> December, 2017, the enquiry has been held in 3 sittings where CA Partha Ghosh was examined/ cross-examined on 4 <sup>th</sup> April, 2018 as the Respondent and the witness in the matter of CA D.V.P. Rao. On 16 <sup>th</sup> April, 2018 and 27 <sup>th</sup> April, 2018, the Common Counsel for both the Respondents made submissions on the allegations and thereafter, the hearing in the matter was concluded on 27 <sup>th</sup> April, 2018. The Report of the matter is under preparation and the same would be placed before the Council of ICAI for consideration subsequent to its finalization and issue to the Respondent.	
	<b>As reported in December, 2018</b>	
	No change in status.	