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***IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Judgment delivered on: 29.05.2017

\+ **W.P.(C) 4873/2017**

WHOLESALE TRADING SERVICES P LTD ..... Petitioner

versus

INSITUTE OF CHARTERED ACCOUNTANTS OF INDIA AND ANR ..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr R.Subramaniam

For the Respondents : Ms Pooja M.Saigal for R-1 & 2.

CORAM:-
HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT
29.05.2017

SANJEEV SACHDEVA, J. (ORAL)

CM No. 21127-21128/2017 (both applications for exemptions)

Allowed, subject to all just exceptions.

W.P.(C) 4873/2017 & CM Nos.21126/2017(direction)

1. The petitioner, by the present petition, *inter alia*, seeks a direction to the respondents to complete the inquiry on the complaint made by the petitioner of professional misconduct within a maximum period of four weeks.

2. Learned counsel appearing for the respondents submits that the complaint has been made by the petitioner only on 24.10.2016 and the

proceedings in the complaint are underway.

3. Learned counsel for the respondents submits that there is only one Director (Discipline) in the Institute of Chartered Accountant of India and several thousands of complaints are received which have to be considered by the Director (Discipline) to ascertain whether prima facie opinion exist for taking further steps in the matter.

4. Learned counsel for the respondents submits that the matter is under active consideration, however is likely to take some time. She submits that on receipt of a complaint, prior to any action being taken, the Institute of Chartered Accountant places the complaint before the Director (Discipline) for forming prima facie view. Comments are called for and thereafter a prima facie opinion is formed. She submits that the pleadings in the complaint have been completed in end of February, 2017.

5. As informed by the learned counsel for the respondents, several complaints are received by respondent – Institute of Chartered Accountant. Fixing a time frame for four weeks for disposal of the complaint is unrealistic.

6. The petitioner has filed the complaint in September - October 2016, which the respondent states, is under active consideration.

7. The matter is under active consideration. There is no justification shown by the petitioner for issuance of a direction to the

respondents to expedite hearing of the complaints of the petitioner. The petitioner has to wait for its turn, as several matters are pending before the Director (Discipline). No ground for urgency has been pleaded or shown.

8. In my view, in the facts of the present case, no orders for expediting the hearing of the complaints filed by the petitioner are called for at this stage.

9. The writ petition is accordingly dismissed.

SANJEEV SACHDEVA, J

MAY 29, 2017
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