

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2412/2008

COUNCIL OF THE INSTITUTE OF
CHARTERED ACCOUNTANTS OF INDIA

Appellant(s)

VERSUS

DEEPAK GUPTA

Respondent(s)

O R D E R

We have heard Mr. Rana Mukherjee, learned Senior Counsel appearing for the appellant and Mr. S.K. Bhattacharya, learned counsel whom we had requested to assist the Court as Amicus Curiae, and also perused the impugned judgment and order dated 15th March, 2007 passed by the High Court of Madhya Pradesh at Jabalpur.

The High Court has disposed of the reference on the ground that the respondent had ceased to be a Member of the Institute as he had surrendered his certificate.

Be that as it may, on the question as to whether a practicing Chartered Accountant while he holds the certificate of practice issued by the Institute of Chartered Accountants of India would be liable for punishment for any misconduct committed during the existence of certificate, we are of the considered opinion that if the misconduct is proved, such person would be liable for appropriate punishment. But in the facts of this case, we are not inclined to interfere with the impugned judgment.

Therefore, the Civil Appeal is dismissed.

However, in the facts of this case, it is made clear that the dismissal of this Appeal shall not be treated as a precedent.

.....J.
[R.K. AGRAWAL]

.....J.
[ABHAY MANOHAR SAPRE]

NEW DELHI;
FEBRUARY 22, 2017.

ITEM NO.104

COURT NO.10

SECTION IV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No.2412/2008

COUNCIL OF THE INSTITUTE OF
CHARTERED ACCOUNTANTS OF INDIA

Appellant(s)

VERSUS

DEEPAK GUPTA

Respondent(s)

Date : 22/02/2017 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.K. AGRAWAL

HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE

For Appellant(s) Mr. Rana Mukherjee, Sr. Adv.
 Mr. Pramod Dayal, Adv.
 Mr. Nikunj Dayal, Adv.
 Ms. Payal Dayal, Adv.

For Respondent(s) Mr. S. K. Bhattacharya, AC

UPON hearing the counsel the Court made the following
O R D E R

The Civil Appeal is dismissed in terms of the signed order.

(ASHA SUNDRIYAL)

(CHANDER BALA)

COURT MASTER

COURT MASTER

(The signed order is placed on the file)