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भारतीय चार्टर्ड अकाउंटेंट्स संस्थान

अधिसूचना

नई दिल्ली, 8 जुलाई, 2021

सं. 1-सीए(7)/197/2021.—चार्टर्ड अकाउंटेंट्स विनियम, 1988 का आगे और संशोधन करने के लिए कतिपय प्रारूप विनियमों को, चार्टर्ड अकाउंटेंट्स अधिनियम, 1949 (1949 का 38) की धारा 30 की उपधारा (3) की अपेक्षानुसार, उससे प्रभावित होने वाले व्यक्तियों से, उस तारीख से जिसको उक्त अधिसूचना को अंतर्विष्ट करने वाले राजपत्र की प्रतियां जनता को उपलब्ध करा दी जाती हैं, पैंतालीस दिन की अवधि के अवसान से पूर्व आक्षेप और सुझाव आमंत्रित करते हुए भारत के राजपत्र, असाधारण, भाग III, खंड 4, तारीख 11 दिसंबर, 2020 में अधिसूचना सं. सीए(7)/197/2020, तारीख 10 दिसंबर, 2020 द्वारा प्रकाशित किया गया था ;

और उक्त राजपत्र की प्रतियां 11 दिसंबर, 2020 को जनता को उपलब्ध करा दी गई थीं ;

और जनता से उक्त प्रारूप विनियमों के संबंध में प्राप्त आक्षेपों और सुझावों पर संस्थान की परिषद् द्वारा विचार किया गया है ;

अतः, अब परिषद् उक्त अधिनियम की धारा 30 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार के अनुमोदन से चार्टर्ड अकाउंटेंट्स विनियम, 1988 का आगे और संशोधन करने के लिए निम्नलिखित विनियम बनाती है, अर्थात् :—

1. (1) इन विनियमों का संक्षिप्त नाम चार्टर्ड अकाउंटेंट्स (संशोधन) विनियम, 2021 है।

(2) ये राजपत्र में उनके प्रकाशन की तारीख को प्रवृत्त होंगे।

2. चार्टर्ड अकाउंटेंट्स विनियम, 1988 में, अनुसूची “क” में, प्ररूप सं. 18 के स्थान पर निम्नलिखित प्ररूप रखा जाएगा, अर्थात् :-

“प्ररूप ‘18’

[चार्टर्ड अकाउंटेंट्स अधिनियम, 1949 की धारा 2(2) और चार्टर्ड अकाउंटेंट्स विनियम, 1988 का विनियम 53ख और विनियम 190 देखें]

कार्यालय और फर्म के ब्यौरे

1. फर्म का नाम / व्यवसायरत चार्टर्ड अकाउंटेंट का व्यापार नाम
2. फर्म का पेन संख्यांक और जीएसटी रजिस्ट्रीकरण संख्या¹
3. फर्म के स्वामी/भागीदारों का (के) नाम, उसकी/उनकी सदस्यता संख्या सहित

व्यवसाय प्रमाणपत्र धारण करने वाले भागीदारों के ब्यौरे – (चार्टर्ड अकाउंटेंट/कंपनी सचिव/लागत लेखापाल)

क्रम सं.	भागीदार का नाम	वृत्तिक अर्हताएं*	सदस्यता संख्या :	क्या सदस्यता सक्रिय है (हां/नहीं)	वह तारीख, जिससे व्यवसाय प्रमाणपत्र धारण किया जा रहा है

चार्टर्ड अकाउंटेंट/कंपनी सचिव/लागत लेखापाल से भिन्न वृत्तिक अर्हताएं धारण करने वाले ऐसे भागीदारों के ब्यौरे, जिन्हें विनियम 53ख के अनुसार अनुमति प्रदान की गई है

क्रम सं.	भागीदार का नाम	वृत्तिक अर्हताएं ¹	डिग्री संख्या	उस विश्वविद्यालय/ संस्था का नाम, जिसने डिग्री जारी की है

4.

- (क) स्वामित्व वाली/ भागीदारी फर्म के सृजन की तारीख
- (ख) वह तारीख, जिसको वर्तमान भागीदारी आरंभ की गई थी
- (ग) क्या भागीदारी किसी विलेख द्वारा समर्थित हैं ?
- (घ) क्या सभी भागीदार फर्म के अभिलाभों का अंशभाजन कर रहे हैं ?

5. परिषद् से अभिप्राप्त व्यापार/फर्म के अनुमोदन से संबंधित संदर्भ संख्या, तारीख और विशिष्टियां (केवल ऐसे मामलों में लागू, जहां फर्म को 1.1.1983 को या उसके पश्चात् आरंभ किया गया था)

¹ आवेदन करते समय फर्म का पेन संख्यांक और जीएसटी रजिस्ट्रीकरण संख्या उपलब्ध न होने की दशा में उसे आवेदन करने के समय के तीन मास के भीतर प्रस्तुत किया जाना चाहिए।

* ऐसे भागीदारों, जो चार्टर्ड अकाउंटेंट नहीं हैं, की वृत्तिक अर्हताओं को किसी ऐसे स्वतंत्र व्यवसायरत चार्टर्ड अकाउंटेंट द्वारा सम्यक् रूप से अधिप्रमाणित किया जाना चाहिए, जो उक्त फर्म का भागीदार/ उक्त व्यक्ति का कोई नातेदार नहीं है।

6. फर्म/व्यवसायरत चार्टर्ड अकाउंटेंट के प्रधान कार्यालय का पता
7. (क) फर्म/व्यवसायरत चार्टर्ड अकाउंटेंट के शाखा कार्यालय (कार्यालयों) का पता (के पते), यदि कोई हों
(ख) प्रत्येक शाखा कार्यालय को खोले जाने की तारीख
8. कार्यालयों, अर्थात् प्रधान कार्यालय और शाखा कार्यालयों में से प्रत्येक के प्रभारी सदस्य का नाम, उसकी सदस्यता संख्या सहित

प्रधान कार्यालय	प्रभारी सदस्य का नाम	सदस्यता संख्या

शाखा कार्यालय	प्रभारी सदस्य (सदस्यों) का नाम (के नाम)	सदस्यता संख्या

9. क्या ऊपर क्रम संख्या 3 में कथित स्वामी/ कोई भागीदार भारत में कहीं भी व्यवसायरत चार्टर्ड अकाउंटेंटों की किसी अन्य फर्म (किन्हीं फर्मों) में भागीदार या स्वामी या वेतन प्राप्त करने वाले सहायक हैं और क्या उनमें से कोई कहीं अन्यत्र पूर्णकालिक या अंशकालिक व्यवसाय में नियोजित है ? हां नहीं
10. यदि हां, तो प्रत्येक मामले में व्यौरे प्रदान करें

भागीदार/स्वामी/ वेतनभोगी सहायक का नाम	ऐसी चार्टर्ड अकाउंटेंट फर्म (फर्मों) का नाम (के नाम) जिससे वह संबद्ध है	सहबद्ध होने की हैसियत	कहीं अन्यत्र पूर्णकालिक या अंशकालिक व्यवसाय की विशिष्टियां

11. किसी फर्म की दशा में क्या कोई भागीदार अपने व्यक्तिगत नाम से भी व्यवसाय कर रहा है ? हां नहीं
12. यदि हां, तो सदस्य (सदस्यों) का नाम (के नाम) और सदस्यता संख्या
13. किसी फर्म/किसी व्यवसायरत चार्टर्ड अकाउंटेंट के अधीन पूर्णकालिक नियोजन धारण करने वाले संस्थान के सदस्य (सदस्यों) का नाम (के नाम) और सदस्यता संख्या तथा ऐसे प्रत्येक सदस्य द्वारा नियोजन धारण करने की तारीख
14. क्या ऊपर क्रम सं. 13 में कथित कोई वेतनभोगी सहायक भारत में कहीं किसी अन्य फर्म (किन्हीं फर्मों) का भागीदार या स्वामी या उसमें वेतनभोगी सहायक है या किसी व्यवसायरत चार्टर्ड अकाउंटेंट का भागीदार या वेतनभोगी सहायक है ? हां नहीं

15. यदि हां, तो ब्यौरे प्रदान करें :-

वेतनभोगी सहायक का नाम	ऐसी फर्म (फर्मों) का नाम (के नाम) और अवस्थान, जिसमें भागीदार/स्वामी/ वेतनभोगी सहायक के रूप में नियोजित है	फर्म से किस हैसियत में सहबद्ध है, अर्थात् भागीदार/ स्वामी / वेतनभोगी सहायक के रूप में

16. क्या ऊपर क्रम सं. 13 में कथित कोई वेतनभोगी सहायक व्यवसाय कर रहा है ?

17. यदि हां, तो ऐसे वेतनभोगी सहायक (सहायकों) का नाम (के नाम) और सदस्यता संख्या प्रस्तुत करें

घोषणा

मैं/हम एतद्द्वारा यह पुष्टि करते हैं कि इस प्ररूप में दी गई जानकारी सत्य और सही है।

स्थान:

तारीख:

फर्म के स्वामी/ भागीदार
(सभी भागीदारों) के
हस्ताक्षर, उनकी सदस्यता
संख्या सहित।।”

जय कुमार बत्रा, कार्यकारी सचिव

[विज्ञापन III/4/असा./146/2021-22]

टिप्पण : मूल विनियम भारत के राजपत्र, असाधारण, तारीख 1 जून, 1988 में अधिसूचना सं. 1-सीए(7)/134/88, तारीख 1 जून, 1988 द्वारा प्रकाशित किए गए थे और तत्पश्चात् निम्नलिखित संख्याओं द्वारा संशोधित किए गए थे :--

- (i) भारत के राजपत्र, तारीख 7 अक्टूबर, 1989 में अधिसूचना सं. 1-सीए(7)/1/89 द्वारा प्रकाशित
- (ii) भारत के राजपत्र, तारीख 19 जनवरी, 1991 में अधिसूचना सं. 1-सीए(7)/10/90 द्वारा प्रकाशित
- (iii) भारत के राजपत्र, तारीख 19 जनवरी, 1991 में अधिसूचना सं. 1-सीए(7)/11/90 द्वारा प्रकाशित
- (iv) भारत के राजपत्र, तारीख 23 फरवरी, 1991 में अधिसूचना सं. 1-सीए(7)/12/91 द्वारा प्रकाशित
- (v) भारत के राजपत्र, तारीख 2 फरवरी, 1991 में अधिसूचना सं. 1-सीए(7)/13/90 द्वारा प्रकाशित
- (vi) भारत के राजपत्र, तारीख 7 मार्च, 1992 में अधिसूचना सं. 1-सीए(7)/19/92 द्वारा प्रकाशित
- (vii) भारत के राजपत्र, तारीख 1 सितंबर, 1995 में अधिसूचना सं. 1-सीए(7)/28/95 द्वारा प्रकाशित
- (viii) भारत के राजपत्र, असाधारण, तारीख 13 मार्च, 1996 में अधिसूचना सं. 1-सीए(7)/30/95 द्वारा प्रकाशित
- (ix) भारत के राजपत्र, तारीख 16 अगस्त, 1997 में अधिसूचना सं. 1-सीए(7)/31/97 द्वारा प्रकाशित
- (x) भारत के राजपत्र, तारीख 26 फरवरी, 2000 में अधिसूचना सं. 1-सीए(7)/44/99 द्वारा प्रकाशित
- (xi) भारत के राजपत्र, तारीख 26 फरवरी, 2000 में अधिसूचना सं. 1-सीए(7)/45/99 द्वारा प्रकाशित

- (xii) भारत के राजपत्र, असाधारण, तारीख 17 अगस्त, 2001 में अधिसूचना सं. 1-सीए(7)/51/2000 द्वारा प्रकाशित
- (xiii) भारत के राजपत्र, असाधारण, तारीख 28 सितंबर, 2001 में अधिसूचना सं. 1-सीए(7)/59/2001 द्वारा प्रकाशित
- (xiv) भारत के राजपत्र, असाधारण, तारीख 31 मार्च, 2003 में अधिसूचना सं. 1-सीए(7)/64/2002 द्वारा प्रकाशित
- (xv) भारत के राजपत्र, असाधारण, तारीख 4 दिसंबर, 2003 में अधिसूचना सं. 1-सीए(7)/64ए/2003 द्वारा प्रकाशित
- (xvi) भारत के राजपत्र, असाधारण, तारीख 28 जुलाई, 2005 में अधिसूचना सं. 1-सीए(7)/83/2005 द्वारा प्रकाशित
- (xvii) भारत के राजपत्र, तारीख 17 जून, 2006 में अधिसूचना सं. 1-सीए(7)/84/2005 द्वारा प्रकाशित
- (xviii) भारत के राजपत्र, तारीख 13 सितंबर, 2006 में अधिसूचना सं. 1-सीए(7)/92/2006 द्वारा प्रकाशित
- (xix) भारत के राजपत्र, तारीख 17 अगस्त, 2007 में अधिसूचना सं. 1-सीए(7)/102/2007(अ) द्वारा प्रकाशित
- (xx) भारत के राजपत्र, तारीख 25 सितंबर, 2008 में अधिसूचना सं. 1-सीए(7)/116/2008 द्वारा प्रकाशित
- (xxi) भारत के राजपत्र, तारीख 3 दिसंबर, 2008 में अधिसूचना सं. 1-सीए(7)/123/2008 द्वारा प्रकाशित
- (xxii) भारत के राजपत्र, असाधारण, तारीख 1 अगस्त, 2012 में अधिसूचना सं. 1-सीए(7)/145/2012 द्वारा प्रकाशित
- (xxiii) भारत के राजपत्र, असाधारण, तारीख 22 जुलाई, 2014 में अधिसूचना सं. 1-सीए(7)/154/2014 द्वारा प्रकाशित
- (xxiv) भारत के राजपत्र, असाधारण, तारीख 23 जनवरी, 2015 में अधिसूचना सं. 1-सीए(7)/167/2014 द्वारा प्रकाशित
- (xxv) भारत के राजपत्र, असाधारण, तारीख 25 मई, 2017 में अधिसूचना सं. 1-सीए(7)/178/2016 द्वारा प्रकाशित
- (xxvi) भारत के राजपत्र, असाधारण, तारीख 19 अक्तूबर, 2020 में अधिसूचना सं. 1-सीए(7)/193/2020 द्वारा प्रकाशित
- (xxvii) भारत के राजपत्र, असाधारण, तारीख 23 जून, 2021 में अधिसूचना सं. 1-सीए(7)/196/2021 द्वारा प्रकाशित ।

THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA

NOTIFICATION

New Delhi, the 8th July, 2021

No. 1-CA(7)/197/2021.—Whereas certain draft regulations further to amend the Chartered Accountants Regulations, 1988, were published as required by sub-section (3) of section 30 of the Chartered Accountants Act, 1949 (38 of 1949), in the Gazette of India, Extraordinary, Part III, Section 4, dated the 11th December, 2020, vide notification No.1-CA(7)/197/2020, dated the 10th December, 2020, inviting objections and suggestions from persons likely to be affected thereby, before the expiry of forty-five days from the date on which the copies of the said Gazette containing the said notification was made available to the public;

And whereas the said Gazette was made available to the public on the 11th December, 2020;

And whereas the objections and suggestions received from the public on the said draft regulations have been considered by the Council of the Institute;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 30 of the aforesaid Act, the Council, with the approval of the Central Government, hereby makes the following regulations further to amend the Chartered Accountants Regulations, 1988, namely:-

1. (1) These regulations may be called the Chartered Accountants (Amendment) Regulations, 2021.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Chartered Accountants Regulations, 1988, in Schedule “A”, for Form 18, the following Form shall be substituted, namely:-

“ FORM ‘18’

(See section 2(2) of the Chartered Accountants Act, 1949, regulation 53B and regulation 190 of the Chartered Accountants Regulations, 1988)

PARTICULARS OF OFFICES AND FIRMS

1. Name of firm/trade name of Chartered Accountant in practice
2. PAN number and GST Registration number of firm¹
3. Name(s) of the proprietor/partners of firm with his/their membership number(s)

Details of Partners Holding Certificate of Practice

(Chartered Accountant/Company Secretary/Cost Accountant)

S.N.	Name of Partner	Professional Qualifications*	Membership No.:	Whether membership is active (Yes/No)	Date from which Certificate of Practice held:

Details of Partners Holding Professional Qualifications Other than Chartered Accountant/Company Secretary/Cost Accountant, permitted as per regulation 53B

S.N.	Name of Partner	Professional Qualifications*	Degree No.	Name of University/Institution which issued the Degree

4. (a) Date of formation of proprietary/partnership firm
- (b) Date on which the present partnership was entered into

¹ In case PAN number and GST Registration number of firm is not available at the time of making application, it should be submitted within three months from the time of making application.

* Professional Qualifications of partners who are non-chartered accountants should be duly attested by an Independent Practicing Chartered Accountant who is not a partner of the said firm/ relative of the said person.

- (c) Whether the partnership is supported by a Deed?
- (d) Whether all the partners are sharing the profits of the firm?
5. Ref. No; Date and particulars of approval of trade/firm name obtained from the Council (applicable to cases where the firm was started on or after 1.1.1983)
6. Address of the Head Office of the firm/Chartered Accountant in practice.
7. (a) Address(es) of the branch office(s) of the firm/Chartered Accountant in practice, if any
(b) Date on which each branch office was opened
8. Name of the member, with membership number who is incharge of each of the offices, i.e., head office and branch offices.

Head Office	Name of the member in-charge	Membership Number

Branch Office(s)	Name(s) of the member(s) in-charge	Membership Number(s)

9. Whether the proprietor/any partner stated in serial number 3 above is/are partner or proprietor or paid assistant with any other firm(s) of chartered accountants in practice anywhere in India and whether any of them are engaged in a full time or a part-time occupation elsewhere ? YES NO

10. If yes, give details in each case

Name of the Partner/proprietor/paid assistant	Name(s) of the firm(s) of chartered accountants with which connected	Capacity in which connected	Particulars of full time or part-time occupation elsewhere if any

11. In case of a firm, whether any partner is also practicing in his individual name? YES NO
12. If yes, give name(s) and membership number(s) of the member(s)
13. Name(s) of the member(s) of the Institute with membership number(s) holding full time employment in the firm/under the chartered accountant in practice and date of joining of each such member.

14. Whether any paid assistant stated at serial number 13 above is partner or proprietor or paid assistant with any other firm(s) or chartered accountant in practice anywhere in India ? YES NO
15. If yes, give details:-

Name of the paid assistant	Name(s) and place(s) of firm(s) in which engaged as partner/ Proprietor/paid Assistant	Capacity in which connected with the firm, i.e. as partner/ Proprietor/paid Assistant

16. Whether any paid assistant stated at serial number 13 above is practicing?
17. If yes, give name(s) and membership number(s) of the paid assistant(s)

Declaration

I/ We hereby confirm that the information given in this Form is true and correct.

Place:

Date:

Signature(s) of the proprietor/all partner(s) of the firm with their membership number(s)."

JAI KUMAR BATRA, Acting Secy.

[ADVT.-III/4/Exty./146/2021-22]

Note: The principal regulations were published in the Gazette of India, Extraordinary, dated the 1st June, 1988 *vide* number 1-CA(7)/134/88 dated 1st June, 1988 and subsequently amended by the following numbers:-

- (i) Notification No.1-CA(7)/1/89, published in the Gazette of India, dated the 7th October, 1989;
- (ii) Notification No.1-CA(7)/10/90, published in the Gazette of India, dated the 19th January, 1991;
- (iii) Notification No.1-CA(7)/11/90, published in the Gazette of India, dated the 19th January, 1991;
- (iv) Notification No.1-CA(7)/12/91, published in the Gazette of India, dated the 23rd February, 1991;
- (v) Notification No.1-CA(7)/13/90, published in the Gazette of India, dated the 2nd February, 1991;
- (vi) Notification No.1-CA(7)/19/92, published in the Gazette of India, dated the 7th March, 1992;
- (vii) Notification No.1-CA(7)/28/95, published in the Gazette of India dated the 1st September, 1995;
- (viii) Notification No.1-CA(7)/30/95, published in the Gazette of India, Extraordinary dated the 13th March, 1996;
- (ix) Notification No. 1-CA(7)/31/97, published in the Gazette of India, dated 16th August, 1997;
- (x) Notification No. 1-CA(7)/44/99, published in the Gazette of India dated the 26th February, 2000;
- (xi) Notification No.1-CA(7)/45/99, published in the Gazette of India, dated the 26th February, 2000;
- (xii) Notification No.1-CA(7)/51/2000, published in the Gazette of India, Extraordinary, dated the 17th August, 2001;

- (xiii) Notification No.1-CA(7)/59/2001, published in the Gazette of India, Extraordinary dated the 28th September, 2001;
- (xiv) Notification No.1-CA(7)/64/2002, published in the Gazette of India, Extraordinary dated the 31st March, 2003;
- (xv) Notification No.1-CA(7)/64A/2003, published in the Gazette of India, Extraordinary dated the 4th December, 2003;
- (xvi) Notification No.1-CA(7)/83/2005, published in the Gazette of India, Extraordinary dated 28th July, 2005;
- (xvii) Notification No.1-CA(7)/84/2005, published in the Gazette of India, dated the 17th June, 2006;
- (xviii) Notification No. 1-CA(7)/92/2006, published in the Gazette of India, dated the 13th September, 2006;
- (xix) Notification No. 1-CA(7)/102/2007(E), published in the Gazette of India, dated the 17th August, 2007;
- (xx) Notification No.1-CA(7)/116/2008, published in the Gazette of India, dated the 25th September, 2008;
- (xxi) Notification No.1-CA(7)/123/2008, published in the Gazette of India, dated the 3rd December, 2008;
- (xxii) Notification No. 1-CA(7)/145/2012, published in the Gazette of India, Extraordinary dated the 1st August, 2012;
- (xxiii) Notification No. 1-CA(7)/154/2014, published in the Gazette of India, Extraordinary dated the 22nd July, 2014;
- (xxiv) Notification No. 1-CA(7)/167/2014, published in the Gazette of India, Extraordinary dated the 23rd January, 2015;
- (xxv) Notification No.1-CA(7)/178/2016, published in the Gazette of India, Extraordinary dated the 25th May, 2017;
- (xxvi) Notification No.1-CA(7)/193/2020, published in the Gazette of India, Extraordinary dated the 19th October, 2020.
- (xxvii) Notification No.1-CA(7)/196/2021, published in the Gazette of India, Extraordinary dated the 23rd June, 2021.

Guidelines for Formation of Multi-disciplinary Partnership as per the Chartered Accountants Act, 1949

Introduction

The complexity of business has increased manifold and reliance on technology has resulted in a greater demand for specialists. There has been a swift increase in cross border movement of goods and services. The complex supply chains, ownership structures and transactions have added a further layer to the business environment in which many entities operate. The financial reports have also become far more complex.

Accounting standards have also become more complex to suit the environment as business transactions are more challenging due to new products, services and financial instruments that are continuously emerging in our global economy. Besides, these changes and trends, the objective of the audit, remains the same rather the expectations have increased substantially. Moreover, sometimes financial information is prepared in accordance with the rules for some industries, which often requires the expertise of specialists.

In order to meet the expectation of the society in today's rapidly evolving environment, and to keep pace with the technology, with increased use of tools such as data analytics, block chain and artificial intelligence, the audit profession has to be agile. This would require employing a range of skilled professionals with diverse backgrounds to meet the expectation of stakeholders.

Meeting these demands requires a diverse skill base. A multi-disciplinary approach, drawing on deep methodology and frameworks for assurance, combined with specialist and subject matter expertise, possess the bandwidth to meet this need and will be increasingly vital as the market continues to evolve towards integrated thinking in the years to come.

The multi-disciplinary partnership is one of the best mechanisms to develop the skills, expertise and consistency needed for quality audits. As the name denotes, a multi-disciplinary firm is one which provides both audit and other services by the same firm which shall be provision of complete package of services by the firm. The growth of multi-disciplinary firms is congruent to the fast pace of change and specialized nature of businesses. Globally also countries like Germany, Australia, UK and Other European countries have adopted the multi-disciplinary partnership model with different conditions.

The provisions of the Chartered Accountants Act, 1949 and the Chartered Accountants Regulations 1988, as amended, permit the members of the Institute of Chartered Accountants of India ("The Institute") to form multi-disciplinary partnership firms with specified professionals (company secretary, cost accountant, advocate,

actuary, architect, engineer). These Guidelines are being issued by the Council of the Institute as Guidelines of the Council within the meaning of Clause 1 of Part II of the Second Schedule to the Chartered Accountants Act, 1949. The purpose of these Guidelines is to enable the members of the Institute to form multi-disciplinary partnership firms. These Guidelines are as follows:

1. Short Title and Commencement

- These Guidelines shall be known as “Guidelines for Formation of Multi-disciplinary Partnership (MDP)” as per the Chartered Accountants Act, 1949.
- These Guidelines shall come into force from 8th July 2021*.

2. Definitions

In these Guidelines, unless the context otherwise requires:-

- Act – Act means the Chartered Accountants Act, 1949.
- Regulations – Regulations means the Chartered Accountants Regulations, 1988.
- Multi-disciplinary Partnership Firm of Chartered Accountants (MDP CAs) in Practice means the firm which has been approved to practice in its name by the Council of ICAI under Regulation 53B read with Regulation 190 of the Regulations.

All words and expressions used herein and not defined in these Guidelines but defined in the Act or the Regulations shall have the meanings respectively assigned to them in the Act or the Regulations as the case may be.

3. Objective

The objective of these Guidelines is to guide the chartered accountants in practice for entering into partnership with the members of the professional bodies as prescribed in Regulation 53B of the Regulations.

4. Right to Enter into Partnership

Section 2(2) of the Act prescribes as follows:

“A member of the Institute shall be deemed “to be in practice”, when individually or in partnership with chartered accountants in practice, or in partnership with members of such other recognised professions as may be prescribed...”

5. Applicability

These Guidelines shall apply only for MDP CAs in Practice as partnership firm along with the members of the professional bodies prescribed under Regulation 53B of the Regulations.

* Please refer notification no. 1-CA(7)/197/2021 dated 8th July 2021 published in the Gazettee of India.

6. Professionals Prescribed for Entering into Partnership

The members of following professional bodies have been permitted to become a partner under Regulation 53B of the Regulations as on date:

- a) Company Secretary, member, The Institute of Company Secretaries of India, established under the Company Secretaries Act, 1980;
- b) Cost Accountant, member, The Institute of Cost and Works Accountants of India established under the Cost and Works Accountants Act, 1959;
- c) Advocate, member, Bar Council of India established under the Advocates Act, 1961;
- d) Engineer, member, The Institution of Engineers, or Engineering from a University established by law or an institution recognized by law;
- e) Architect, member, The Indian Institute of Architects established under the Architects Act, 1972;
- f) Actuary, member, The Institute of Actuaries of India, established under the Actuaries Act, 2006.

(a) Partnership with Company Secretary

As per Section 2(1)(c) of the Company Secretaries Act, 1980, “Company Secretary” means a person who is a member of the Institute;

As per Section 2(2) of the Company Secretaries Act, 1980, Save as otherwise provided in this Act, a member of the Institute shall be deemed “to be in practice” when, individually or in partnership with one or more members of the Institute in practice or in partnership with members of such other recognised professions as may be prescribed, he, in consideration of remuneration received or to be received,—

- (a) engages himself in the practice of the profession of Company Secretaries to, or in relation to, any company; or
- (b) offers to perform or performs services in relation to the promotion, forming, incorporation, amalgamation, reconstruction, reorganization or winding up of companies; or
- (c) offers to perform or performs such services as may be performed by—
 - (i) an authorised representative of a company with respect to filing, registering, presenting, attesting or verifying any documents (including forms, applications and returns) by or on behalf of the company,
 - (ii) a share transfer agent,
 - (iii) an issue house,
 - (iv) a share and stock broker,
 - (v) a secretarial auditor or consultant,
 - (vi) an adviser to a company on management, including any legal or procedural matter falling under the Capital Issues (Control) Act, 1947 (29 of 1947), the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Companies Act, the Securities Contracts (Regulation) Act, 1956 (42 of 1956), any of the rules or bye-laws made by a recognised stock exchange, the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), the Foreign Exchange Regulation Act, 1973, (46 of 1973), or under any other law for the time being in force.
 - (vii) issuing certificates on behalf of, or for the purposes of, a company; or
- (d) holds himself out to the public as a Company Secretary in practice; or

- (e) *renders professional services or assistance with respect to matters of principle or detail relating to the practice of the profession of Company Secretaries; or*
- (f) *renders such other services as, in the opinion of the Council, are or may be rendered by a Company Secretary in practice;*

and the words "to be in practice" with their grammatical variations and cognate expressions, shall be construed accordingly.

Clause 4 of Part I of First Schedule to the Company Secretaries Act, 1980 – Professional misconduct in relation to Company Secretaries in Practice

A Company Secretary in Practice shall be deemed to be guilty of professional misconduct, if he—

- (4) *enters into partnership, in or outside India, with any person other than a Company Secretary in practice or such other person who is a member of any other professional body having such qualifications as may be prescribed, including a resident who but for his residence abroad would be entitled to be registered as a member under clause (e) of sub-section (1) of section 4 or whose qualifications are recognized by the Central Government or the Council for the purpose of permitting such partnerships;*

Regulation 168B of the Companies Secretaries Regulations, 1982– Membership of Professional body for Partnership

- (1) *For the purposes of entering into partnership under clauses (4) and (5) of Part I of the First Schedule to the Act, a person shall be a member of any of the following professional bodies, namely:-*
 - (a) *The Institute of Chartered Accountants of India established under the Chartered Accountants Act, 1949 (No. 38 of 1949);.....*

Hence, MDP CAs in Practice shall be permitted to enter into a partnership with a member of the Institute of Company Secretaries of India.

(b) Partnership with Cost Accountant

As per Section 2(1)(b) of the Cost and Works Accountants Act, 1959, “Cost Accountant” means a person who is a member of the Institute.

As per Section 2(2) of the Cost and Works Accountants Act, 1959, Save as otherwise provided in this Act, a member of the Institute shall be deemed “to be in practice” when, individually or in partnership with one or more members of the Institute in practice or in partnership with members of such other recognised professions as may be prescribed he, in consideration of remuneration received or to be received,—

- (i) engages himself in the practice of cost accountancy; or
- (ii) offers to perform or performs services involving the costing or pricing of goods or services or the preparation, verification or certification or auditing of cost accounting and related statements or holds himself out to the public as a cost accountant in practice; or
- (iii) renders professional services or assistance in or about matters of principle or detail relating to cost accounting procedure or the recording, presentation or certification of costing facts or data; or
- (iv) renders such other services as, in the opinion of the Council, are or may be rendered by a cost accountant in practice, and the words “to be in practice”, with their grammatical variations and cognate expressions, shall be construed accordingly.

Explanation: A member of the Institute who is a whole-time salaried employee of any person shall not be deemed to be in practice within the meaning of this sub-section.

Clause 4 of Part I of First Schedule to the Cost and Works Accountants Act, 1959 – Professional misconduct in relation to Cost Accountants in Practice

A Cost Accountant in Practice shall be deemed to be guilty of professional misconduct, if he—

- (4) enters into partnership, in or outside India, with any person other than a cost accountant in practice or such other person who is a member of any other professional body having such qualifications as may be prescribed, including a resident who but for his residence abroad would be entitled to be registered as a member under clause (iv) of sub-section (1) of section 4 or whose qualifications are recognised by the Central Government or the Council for the purpose of permitting such partnerships;

Regulation 111C of the Cost and Works Accountants Regulations, 1959 – Membership of professional bodies for partnership

(1) For the purposes of entering into partnership under clauses (4) and (5) of Part I of the First Schedule to the Act, a person shall be a member of any of the following professional bodies namely:—

- (a) Chartered Accountant, member of the Institute of Chartered Accountants of India established under the Chartered Accountants Act, 1949 (XXXVIII of 1949);.....*

As per Section 6(1) of the Cost and Works Accountants Act, 1959, No member of the Institute shall be entitled to practise, whether in India or elsewhere, unless he has obtained from the Council a certificate of practice.

Hence, MDP CAs in Practice shall be permitted to enter into a partnership with a member of the Institute of Cost Accountants of India.

(c) Partnership with Advocate

As per Section 2(1)(a) of the Advocates Act, 1961, *“Advocate” means an advocate entered in any roll under the provisions of this Act.*

As per Clause (c) of Regulation 53B of the Regulations, it is permitted to enter into a partnership with Advocate, Member of the Bar Council of India established under the Advocates Act, 1961.

However, as per Rule 2 of Chapter III of Part IV– “Conditions for Right to Practice” of the Bar Council of India Rules, 1975,

An Advocate shall not enter into a partnership of any other arrangement for sharing remuneration with any person or legal Practitioner who is not an Advocate.

Hence, unless the Bar Council of India Rules, 1975 are amended, MDP CAs in Practice shall not enter into partnership with an Advocate who is the member of the Bar Council of India.

(d) Partnership with Engineer

Indian Institute of Engineers:

Member of Indian Institute of Engineers means, Member as elected and approved under clause 48 of the bye laws of the Indian Institute of Engineers.

Engineer from University Established by Law:

As per the University Grants Commission Act, 1956

Section 2(f) defines "University" means a University established or incorporated by or under a Central Act, a Provincial Act or a State Act, and includes any such institution as may, in consultation with the University concerned, be recognised by the Commission in accordance with the regulations made in this behalf under this Act.

Hence, MDP CAs in Practice shall be permitted to enter into partnership with Engineer, who is a member of the Institution of Engineers, or Engineer from a University established by law or an institution recognized by law.

(e) Partnership with Architect

As per Section 2(a) of the Architects Act, 1972, *“Architect” means a person whose name is for time being entered in the register.*

As per Section 2(e) of the Architects Act, 1972, *“register” means the register of architects maintained under Section 23.*

As per Section 2(c) of the Architects Act, 1972, *“Indian Institute of Architects” means the Indian Institute of Architects registered under the Societies Registration Act, 1860 (21 of 1860).*

As per Clause 4 of the Constitution and Bye Laws of the Indian Institute of Architects,

4. CATEGORY OF MEMBERS:

(a) Unless and until the Bye-Laws otherwise provide there shall be seven category of Members of the Institute termed respectively Honorary Fellow, Fellow, Associate, Licentiate, Retired Fellow, Retired Associate and Retired Licentiate. These expressions shall respectively bear the meanings attached thereto by the Bye-laws.

Bye-Laws 1. Interpretation:

“MEMBERS OF THE INSTITUTE” means any person who has been admitted to the Membership of the Institute, whether a Fellow, Associate, Licentiate or Hon. Member, all of whom may hereafter be referred to as Members.

Hence, MDP CAs in Practice shall be permitted to enter into a partnership with a member of the Indian Institute of Architects.

(f) Partnership with Actuary

As per Section 2(1)(a) of the Actuaries Act, 2006,

"Actuary" means a person skilled in determining the present effects of future contingent events or in finance modelling and risk analysis in different areas of insurance, or calculating the value of life interests and insurance risks, or designing and pricing of policies, working out the benefits, recommending rates relating to insurance business, annuities, insurance and pension rates on the basis of empirically based tables and includes a statistician engaged in such technology, taxation, employees' benefits and such other risk management and investments and who is a fellow member of the Institute; and the expression "actuarial science" shall be construed accordingly.

As per Section 2(1)(i) of the Actuaries Act, 2006, *"Member" means an individual whose name appears in the register of members maintained by the Institute.*

As per Section 2(1)(h) of the Actuaries Act, 2006, *"Institute" means the Institute of Actuaries of India constituted under Section 3.*

As per Section 2(2) of the Actuaries Act, 2006,

Save as otherwise provided in this Act, a member of the Institute shall be deemed "to be in practice" when individually or in partnership with Actuaries in practice as a member or an employee of a company, he, whether or not in consideration of remuneration received or to be received,—

- (i) engages himself in actuarial profession; or*
- (ii) offers to perform or performs services involving the application of actuarial techniques in the fields of insurance, pension, investment, finance and management; or*
- (iii) renders such other services as, in the opinion of the Council, are or may be rendered by an actuary in practice; or*
- (iv) is in employment of a person engaged in one or more of the activities mentioned in clauses (i), (ii) and (iii) above,*

and the words "to be in practice" with their grammatical variations and cognate expressions shall be construed accordingly.

Explanation.—For the purposes of this sub-section, the expression "company" includes a public financial institution as defined in section 4A of the Companies Act, 1956 (1 of 1956).

As per Part I of the Schedule to the Actuaries Act, 2006, Professional misconduct in relation to members of the Institute in practice,

An Actuary in practice shall be deemed to be guilty of professional misconduct, if he—

(3) enters into partnership with any person other than an Actuary in practice or a person resident outside India who but for his residence abroad would be entitled to be admitted as a member under clause (c) of sub-section (1) of section 6 or whose qualifications are recognised by the Central Government or the Council for the purpose of permitting such partnership, provided the Actuary shares in the fees or profits of the business of the partnership both within and outside of India.

Hence, MDP CAs in Practice shall be permitted to enter into a partnership with a member of the Institute of Actuaries of India who does not hold certificate of practice. However, MDP CAs in Practice shall not be permitted to enter into a partnership with a member of the Institute of Actuaries of India who holds certificate of practice.

Members of Other Professional Bodies

Members of any professional bodies or persons having prescribed qualification other than as specifically prescribed under Regulation 53B of the Regulations, shall not be admitted into partnership as on date. For example, members having post graduate qualification in management or approved valuer or approved insolvency professional or information technology professional shall not be admitted as a partner in MDP CAs in Practice.

7. Forms of Constitution

MDP CAs in practice can be constituted as a partnership firm as per the Indian Partnership Act, 1932 or as a limited liability partnership firm as per the Limited Liability Partnership Act, 2008.

8. Registration with the Institute

(a) Registration of MDP CAs in Practice with the Institute is mandatory.

(b) *Application Form:*

MDP CAs in Practice, if it is a new firm to be constituted, then for the approval of its trade name or firm name shall apply to the Council in Form 117 as prescribed under Regulation 190 of the Regulations and the conditions for its name and all other conditions as prescribed under that Regulation shall apply.

MDP CAs in Practice, if it is a new firm to be constituted or an existing CA in practice or a CA firm is intending to admit any of the members of the professional bodies as prescribed under Regulation 53B of the Regulations, then it shall submit the details prescribed in Form 18 as prescribed under Regulation 190 of the Regulations.

MDP CAs in Practice shall have distinct name which shall be approved by the Institute. To distinguish MDP CAs in Practice from other firms of chartered accountants, the suffix “multi-disciplinary partnership firm of chartered accountants in practice” shall be used after the name of MDP CAs in Practice.

The registration number of MDP CAs in Practice shall contain the abbreviation “MDP” to distinguish it from registration number of other firms of chartered accountants.

(c) *Verification of Partners:*

It is the duty of MDP CAs in Practice to submit the documentary evidence in case of partners who are not the members of the Institute of Chartered Accountants of India. Above documentary evidence needs to be attested by a chartered accountant in practice who is not related to the MDP CAs in Practice.

It is the duty of the chartered accountant who attests the above documentary evidence to verify:

- The truth and validity of the certificate of membership of the prescribed professional bodies or the degree of the recognized University in case of engineering graduate.

- On the date of entering into multi-disciplinary partnership firm of chartered accountants in practice, the members of other professional bodies are having valid membership with the prescribed professional body.

9. Meaning of MDP CAs in Practice

MDP CAs in Practice constituted under these Guidelines, shall have the same meaning as assigned under Clause (ca) of Section 2(1) of the Act read with Regulation 190A of the Regulations.

10. Services to be rendered by MDP CAs in Practice

MDP CAs in Practice can render all services as prescribed in Section 2(2) of the Act read with Regulation 190A of the Regulations. MDP CAs in Practice can also render services allowed to be performed by other professionals who are its partners.

11. Audit under the Companies Act, 2013

Section 141(1) of the Companies Act, 2013: A person shall be eligible for appointment as an auditor of a company only if he is a chartered accountant:

Provided that a firm whereof majority of partners practising in India are qualified for appointment as aforesaid may be appointed by its firm name to be auditor of a company.

Section 141(2) of the Companies Act, 2013: Where a firm including a limited liability partnership is appointed as an auditor of a company, only the partners who are chartered accountants shall be authorised to act and sign on behalf of the firm.

Accordingly, MDP CAs in Practice is not eligible for statutory audit under the Companies Act 2013 in case majority of its partners are non-CAs.

In case MDP CAs in Practice is appointed as an auditor to conduct audit of financial statements under the Companies Act 2013, it is the responsibility of MDP CAs in Practice to ensure that majority of its partners are chartered accountants, failing which, necessary disciplinary action as per the Act and the Regulations will be taken on all the partners who are chartered accountants.

'Majority criteria' for the purpose of computing eligibility of MDP CAs in Practice for the purpose of appointment as statutory auditor under the Companies Act, 2013 shall be calculated both on the basis of the number of partners as well as their aggregate share of profits in MDP CAs in Practice so that the majority criteria is clearly established.

It is to be noted that partners of partnership firm have joint and several liability and partners of limited liability partnership have limited liability. Keeping both the aspects into consideration, the above condition for majority shall apply.

Also, with regard to computation of ceiling limits as per Section 141(3)(g) of the Companies Act, 2013 read with the Guidelines of the Council of the Institute, practicing chartered accountant partners alone shall be considered.

12. Share of Profits, Administration, Management and Functional Responsibility

It is the discretion of MDP CAs in Practice to decide the share of profits of each partner among themselves.

The functions, powers, authorities, duties, rights, responsibilities, liabilities and disputes among the partners shall be mutually agreed as per the partnership deed.

13. Reconstitution of MDP CAs in Practice (Admission, retirement, death)

In case of any change in partners (admission, retirement, death) or any change in details of partners, MDP CAs in Practice will be required to submit the necessary particulars to the Institute in Form 18 within 30 days of such change.

It is the responsibility of the continuing partners to satisfy the conditions as prescribed under Regulation 190 of the Regulations in case of admission, retirement and death of partners.

14. Establishment of Branch Office

As per Section 27 of the Act,

- (1) *Where a chartered accountant in practice or a firm of such chartered accountants has more than one office in India, each one of such offices shall be in the separate charge of a member of the Institute*

Provided that the Council may in suitable cases exempt any chartered accountant in practice or a firm of such chartered accountants from the operation of this subsection.

- (2) *Every chartered accountant in practice or a firm of such chartered accountants maintaining more than one office shall send to the Council a list of offices and the persons in charge thereof and shall keep the Council informed of any changes in relation thereto.*

By virtue of Section 27 of the Chartered Accountants Act, 1949, only chartered accountants are permitted to be in-charge of the branch offices of MDP CAs in Practice. However, it may be noted that in terms of the proviso given in sub-section (1) of Section

27 of the Chartered Accountants Act, 1949, the Council of ICAI has power to grant exemption from the aforesaid requirement in suitable cases. In case, MDP CAs in practice desires that a non-CA partner be made in-charge of any branch office, it may make request to the Council of ICAI in this regard.

15. Fees for Professional Services

The conditions stipulated under Regulation 192 of the Regulations shall apply to MDP CAs in Practice.

16. Other Business or Occupation

For chartered accountant partners of MDP CAs in Practice, engaged in any other business or occupation or part time employment, the provisions of Regulations 190A and 191 of the Regulations shall apply.

17. Professional Address of the Partners

For the professional address of the partners of MDP CAs in Practice, the provisions of Regulation 187 of the Regulations shall apply.

18. Disciplinary proceedings

Disciplinary proceedings shall be taken on any partner who violated provisions of law:

- (a) If the partner who violated the provisions is a Chartered Accountant, the proceedings shall be taken as per the provisions of the Chartered Accountants Act, 1949.
- (b) If the partner who violated the provisions is a Cost Accountant, the proceedings shall be taken as per the provisions of the Cost and Works Accountants Act, 1949.
- (c) If the partner who violated the provisions is a Company Secretary, the proceedings shall be taken as per the provisions of the Company Secretaries Act, 1980.
- (d) If the partner who violated the provisions is an Architect, the proceedings shall be taken as per the provisions of the Architects Act, 1972.
- (e) If the partner who violated the provisions is an Engineer, the proceedings shall be taken as per the general principles of civil law.
- (f) If the partner who violated the provisions is an Actuary, the proceedings shall be taken as per the provisions of the Actuaries Act, 2006.

Frequently Asked Questions (FAQs) on Multi-disciplinary Partnership Firm of Chartered Accountants in Practice (MDP CAs in Practice)

Q1. What is meaning of the term “MDP CAs in Practice?”

Response: “MDP CAs in Practice” is abbreviation of the term “Multi-disciplinary Partnership Firm of Chartered Accountants in Practice”.

MDP CAs in Practice means the firm which has been approved to practice in its name by the Council of ICAI under Regulation 53B read with Regulation 190 of the Chartered Accountants Regulations, 1988.

Q2. Whether MDP CAs in Practice can be formed as a company?

Response: As per Section 25 of the Chartered Accountants Act, 1949,

Companies not to engage in accountancy

(1) No company, whether incorporated in India or elsewhere, shall practise as chartered accountants.

Explanation – For the removal of doubts, it is hereby declared that the “company” shall include any limited liability partnership which has company as its partner for the purposes of this section.

(2) If any company contravenes the provisions of sub-section (1), then, without prejudice to any other proceedings which may be taken against the company, every director, manager, secretary and any other officer thereof who is knowingly a party to such contravention shall be punishable with fine which may extend on first conviction to one thousand rupees, and on any subsequent conviction to five thousand rupees.

Hence, MDP CAs in Practice cannot be formed as a company.

Q3. What are permissible modes for formation of MDP CAs in Practice?

Response: There are two permissible modes:

- Partnership as per the Indian Partnership Act, 1932.
- Limited Liability partnership as per the Limited Liability Partnership Act, 2008.

Q4. Which Regulation of the Chartered Accountants Regulations, 1988 cover partnership aspect? With whom CAs can enter into partnership in terms of provisions of the Chartered Accountants Act, 1949 and the Chartered Accountants Regulations, 1988?

Response: Regulation 53B of the Chartered Accountants Regulations, 1988 covers partnership aspect. The provisions of Section 2(2) of the Chartered Accountants Act, 1949, Clause 4 of Part I of First Schedule to the Chartered Accountants Act, 1949 read with Regulation 53B of the Chartered Accountants Regulations, 1988 permit CAs to enter into partnership with the members of following professional bodies:

- (a) Company Secretary, member, The Institute of Company Secretaries of India, established under the Company Secretaries Act, 1980;
- (b) Cost Accountant, member, The Institute of Cost and Works Accountants of India established under the Cost and Works Accountants Act, 1959;
- (c) Advocate, member, Bar Council of India established under the Advocates Act, 1961;
- (d) Engineer, member, The Institution of Engineers, or Engineering from a University established by law or an institution recognized by law;
- (e) Architect, member, The Indian Institute of Architects established under the Architects Act, 1972;
- (f) Actuary, member, The Institute of Actuaries of India, established under the Actuaries Act, 2006.

For details about entering into partnership with above mentioned professionals, please refer the specific questions given below.

Q5. Whether company secretary can become partner in MDP CAs in Practice?

Response: As per Section 2(1)(c) of the Company Secretaries Act, 1980, "*Company Secretary*" means a person who is a member of the Institute;

As per Section 2(2) of the Company Secretaries Act, 1980, *Save as otherwise provided in this Act, a member of the Institute shall be deemed "to be in practice" when, individually or in partnership with one or more members of the Institute in practice or in partnership with members of such other recognised professions as may be prescribed, he, in consideration of remuneration received or to be received,—*

- (a) *engages himself in the practice of the profession of Company Secretaries to, or in relation to, any company; or*
- (b) *offers to perform or performs services in relation to the promotion, forming,*

incorporation, amalgamation, reconstruction, reorganization or winding up of companies; or

- (c) *offers to perform or performs such services as may be performed by—*
 - (i) *an authorised representative of a company with respect to filing, registering, presenting, attesting or verifying any documents (including forms, applications and returns) by or on behalf of the company,*
 - (ii) *a share transfer agent,*
 - (iii) *an issue house,*
 - (iv) *a share and stock broker,*
 - (v) *a secretarial auditor or consultant,*
 - (vi) *an adviser to a company on management, including any legal or procedural matter falling under the Capital Issues (Control) Act, 1947 (29 of 1947), the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Companies Act, the Securities Contracts (Regulation) Act, 1956 (42 of 1956), any of the rules or bye-laws made by a recognised stock exchange, the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), the Foreign Exchange Regulation Act, 1973, (46 of 1973), or under any other law for the time being in force.*
 - (vii) *issuing certificates on behalf of, or for the purposes of, a company; or*
- (d) *holds himself out to the public as a Company Secretary in practice; or*
- (e) *renders professional services or assistance with respect to matters of principle or detail relating to the practice of the profession of Company Secretaries; or*
- (f) *renders such other services as, in the opinion of the Council, are or may be rendered by a Company Secretary in practice;*

and the words "to be in practice" with their grammatical variations and cognate expressions, shall be construed accordingly.

Clause 4 of Part I of First Schedule to the Company Secretaries Act, 1980 – Professional misconduct in relation to Company Secretaries in Practice

A Company Secretary in Practice shall be deemed to be guilty of professional misconduct, if he—

- (4) *enters into partnership, in or outside India, with any person other than a Company Secretary in practice or such other person who is a member of any other professional body having such qualifications as may be prescribed, including a resident*

who but for his residence abroad would be entitled to be registered as a member under clause (e) of sub-section (1) of section 4 or whose qualifications are recognized by the Central Government or the Council for the purpose of permitting such partnerships;

Regulation 168B of the Companies Secretaries Regulations, 1982– Membership of Professional body for Partnership

(1) For the purposes of entering into partnership under clauses (4) and (5) of Part I of the First Schedule to the Act, a person shall be a member of any of the following professional bodies, namely:-

(a) The Institute of Chartered Accountants of India established under the Chartered Accountants Act, 1949 (No. 38 of 1949);.....

Hence, MDP CAs in Practice shall be permitted to enter into a partnership with a member of the Institute of Company Secretaries of India.

Q6. Whether cost accountant can become partner in MDP CAs in Practice?

Response: As per Section 2(1)(b) of the Cost and Works Accountants Act, 1959, “Cost Accountant” means a person who is a member of the Institute.

As per Section 2(2) of the Cost and Works Accountants Act, 1959, Save as otherwise provided in this Act, a member of the Institute shall be deemed “to be in practice” when, individually or in partnership with one or more members of the Institute in practice or in partnership with members of such other recognised professions as may be prescribed he, in consideration of remuneration received or to be received,—

- (i) engages himself in the practice of cost accountancy; or*
- (ii) offers to perform or performs services involving the costing or pricing of goods or services or the preparation, verification or certification or auditing of cost accounting and related statements or holds himself out to the public as a cost accountant in practice; or*
- (iii) renders professional services or assistance in or about matters of principle or detail relating to cost accounting procedure or the recording, presentation or certification of costing facts or data; or*
- (iv) renders such other services as, in the opinion of the Council, are or may be rendered by a cost accountant in practice, and the words “to be in practice”, with their grammatical variations and cognate expressions, shall be construed accordingly.*

Explanation: A member of the Institute who is a whole-time salaried employee of any person shall not be deemed to be in practice within the meaning of this sub-section.

Clause 4 of Part I of First Schedule to the Cost and Works Accountants Act, 1959 – Professional misconduct in relation to Cost Accountants in Practice

A Cost Accountant in Practice shall be deemed to be guilty of professional misconduct, if he—

(4) enters into partnership, in or outside India, with any person other than a cost accountant in practice or such other person who is a member of any other professional body having such qualifications as may be prescribed, including a resident who but for his residence abroad would be entitled to be registered as a member under clause (iv) of sub-section (1) of section 4 or whose qualifications are recognised by the Central Government or the Council for the purpose of permitting such partnerships;

Regulation 111C of the Cost and Works Accountants Regulations, 1959 – Membership of professional bodies for partnership

(1) For the purposes of entering into partnership under clauses (4) and (5) of Part I of the First Schedule to the Act, a person shall be a member of any of the following professional bodies namely:—

(a) Chartered Accountant, member of the Institute of Chartered Accountants of India established under the Chartered Accountants Act, 1949 (XXXVIII of 1949);.....

As per Section 6(1) of the Cost and Works Accountants Act, 1959, No member of the Institute shall be entitled to practise, whether in India or elsewhere, unless he has obtained from the Council a certificate of practice.

Hence, MDP CAs in Practice shall be permitted to enter into a partnership with a member of the Institute of Cost Accountants of India.

Q7. Whether advocate can become partner in MDP CAs in Practice?

Response: As per Section 2(1)(a) of the Advocates Act, 1961, “Advocate” means an advocate entered in any roll under the provisions of this Act.

As per Clause (c) of Regulation 53B of the Chartered Accountants Regulations, 1988, it is permitted to enter into a partnership with Advocate, Member of the Bar Council of India established under the Advocates Act, 1961.

However, as per Rule 2 of Chapter III of Part IV– “Conditions for Right to Practice” of the Bar Council of India Rules, 1975,

An Advocate shall not enter into a partnership of any other arrangement for sharing remuneration with any person or legal Practitioner who is not an Advocate.

Hence, unless the Bar Council of India Rules, 1975 are amended, MDP CAs in Practice shall not enter into partnership with an Advocate who is the member of the Bar Council of India.

Q8. Whether engineer can become partner in MDP CAs in Practice?

Response: Indian Institute of Engineers:

Member of Indian Institute of Engineers means, Member as elected and approved under clause 48 of the bye laws of the Indian Institute of Engineers.

Engineer from University Established by Law:

As per the University Grants Commission Act, 1956

Section 2(f) defines "University" means a University established or incorporated by or under a Central Act, a Provincial Act or a State Act, and includes any such institution as may, in consultation with the University concerned, be recognised by the Commission in accordance with the regulations made in this behalf under this Act.

Hence, MDP CAs in Practice shall be permitted to enter into partnership with Engineer, who is a member of the Institution of Engineers, or Engineer from a University established by law or an institution recognized by law.

Q9. Whether architect can become partner in MDP CAs in Practice?

Response: As per Section 2(a) of the Architects Act, 1972, *"Architect" means a person whose name is for time being entered in the register.*

As per Section 2(e) of the Architects Act, 1972, *"register" means the register of architects maintained under Section 23.*

As per Section 2(c) of the Architects Act, 1972, *"Indian Institute of Architects" means the Indian Institute of Architects registered under the Societies Registration Act, 1860 (21 of 1860).*

As per Clause 4 of the Constitution and Bye Laws of the Indian Institute of Architects,

4. CATEGORY OF MEMBERS:

(a) Unless and until the Bye-Laws otherwise provide there shall be seven category of Members of the Institute termed respectively Honorary Fellow, Fellow, Associate, Licentiate, Retired Fellow, Retired Associate and Retired Licentiate. These expressions shall respectively bear the meanings attached thereto by the Bye-laws.

Bye-Laws 1. Interpretation:

"MEMBERS OF THE INSTITUTE" means any person who has been admitted to the Membership of the Institute, whether a Fellow, Associate, Licentiate or Hon. Member, all of whom may hereafter be referred to as Members.

Hence, MDP CAs in Practice shall be permitted to enter into a partnership with a member of the Indian Institute of Architects.

Q10. Whether actuary can become partner in MDP CAs in Practice?

Response: As per Section 2(1)(a) of the Actuaries Act, 2006,

"Actuary" means a person skilled in determining the present effects of future contingent events or in finance modelling and risk analysis in different areas of insurance, or calculating the value of life interests and insurance risks, or designing and pricing of policies, working out the benefits, recommending rates relating to insurance business, annuities, insurance and pension rates on the basis of empirically based tables and includes a statistician engaged in such technology, taxation, employees' benefits and such other risk management and investments and who is a fellow member of the Institute; and the expression "actuarial science" shall be construed accordingly.

As per Section 2(1)(i) of the Actuaries Act, 2006, *"Member" means an individual whose name appears in the register of members maintained by the Institute.*

As per Section 2(1)(h) of the Actuaries Act, 2006, *"Institute" means the Institute of Actuaries of India constituted under Section 3.*

As per Section 2(2) of the Actuaries Act, 2006,

Save as otherwise provided in this Act, a member of the Institute shall be deemed "to be in practice" when individually or in partnership with Actuaries in practice as a member or an employee of a company, he, whether or not in consideration of remuneration received or to be received,—

- (i) engages himself in actuarial profession; or*
- (ii) offers to perform or performs services involving the application of actuarial techniques in the fields of insurance, pension, investment, finance and management; or*
- (iii) renders such other services as, in the opinion of the Council, are or may be rendered by an actuary in practice; or*
- (iv) is in employment of a person engaged in one or more of the activities mentioned in clauses (i), (ii) and (iii) above,*

and the words "to be in practice" with their grammatical variations and cognate expressions shall be construed accordingly.

Explanation.—For the purposes of this sub-section, the expression "company" includes a public financial institution as defined in section 4A of the Companies Act, 1956 (1 of 1956).

As per Part I of the Schedule to the Actuaries Act, 2006, Professional misconduct in relation to members of the Institute in practice,

An Actuary in practice shall be deemed to be guilty of professional misconduct, if he—

(3) enters into partnership with any person other than an Actuary in practice or a person resident outside India who but for his residence abroad would be entitled to be admitted as a member under clause (c) of sub-section (1) of section 6 or whose qualifications are recognised by the Central Government or the Council for the purpose of permitting such partnership, provided the Actuary shares in the fees or profits of the business of the partnership both within and outside of India.

Hence, MDP CAs in Practice shall be permitted to enter into a partnership with a member of the Institute of Actuaries of India who does not hold certificate of practice. However, MDP CAs in Practice shall not be permitted to enter into a partnership with a member of the Institute of Actuaries of India who holds certificate of practice.

Q11. Whether any person other than those prescribed under Regulation 53B of the Chartered Accountants Regulations, 1988 can be a partner in MDP CAs in Practice?

Response: Any person other than those prescribed under Regulation 53B of the Chartered Accountants Regulations, 1988 cannot be a partner in MDP CAs in Practice.

Q12. Whether MBA can become partner in MDP CAs in Practice?

Response: As per Clause 4 of Part I of First Schedule to the Chartered Accountants Act, 1949 read with Regulation 53B of the Chartered Accountants Regulations, 1988, MBA cannot become partner in MDP CAs in Practice.

Q13. Whether partners of MDP CAs in Practice can also practice in their individual names?

Response: As on date, the Chartered Accountants Act 1949 read with the Chartered Accountants Regulations, 1988 does not prohibit the same, at the same time, it is the discretion of MDP CAs in Practice to permit its partners to practice in their individual capacity. In case partnership deed is silent on this aspect, the provisions of the Chartered Accountants Act, 1949 and the Chartered Accountants Regulations 1988 shall apply.

Q14. How the fees will be shared among the partners of MDP CAs in Practice?

Response: The sharing of fees will be decided among the partners as agreed among themselves and prescribed in the partnership deed.

Q15. How the disputes among the partners will be settled?

Response: The disputes among the partners will be settled as agreed among the partners and prescribed in the partnership deed. Otherwise provisions of the Indian Partnership Act, 1932 or the Limited Liability Partnership Act, 2008, as may be applicable, will apply.

Q16. How to verify professional qualifications of partners who are not the members of ICAI?

Response: It is the duty of MDP CAs in Practice to submit the documentary evidence in case of partners who are not the members of ICAI. These documentary evidence needs to be attested by a CA in practice who is not related to the MDP CAs in Practice. It is the duty of the CA who attests the above documentary evidence to verify the truth and validity of the certificate of membership of the prescribed professional bodies or the degree of the recognized University in case of engineering graduate.

Q17. Whether there is any need to obtain the permission of the other professional bodies for implementation of provisions of MDP CAs in Practice?

Response: There is no need to obtain permission of the other professional bodies prescribed under Regulation 53B of the Chartered Accountants Regulations, 1988.

Q18. Whether a CA partner of MDP CAs in Practice can become partners in other firms or engage in other occupation?

Response: A CA partner of MDP CAs in Practice can become partners in other firms or engage in other occupation as agreed among the partners as per their partnership deed. In case of a partner who is a chartered accountant, for his engagement in any other business or occupation or part time employment, the provisions of Regulations 190A and 191 of the Chartered Accountants Regulations, 1988 shall apply. In case of a partner other than a chartered accountant, the provisions of the relevant Act along with its Regulations or Rules shall apply.

Q19. Whether profit sharing with non-CAs is allowed under the Chartered Accountants Act, 1949 and the Chartered Accountants Regulations, 1988?

Response: The relevant provisions of the Chartered Accountants Act, 1949 and the Chartered Accountants Regulations, 1988 are given below.

“Part I: Professional misconduct in relation to Chartered Accountants in Practice” of the First Schedule to the Chartered Accountants Act, 1949

A chartered accountant in practice shall be deemed to be guilty of professional misconduct, if he-

Clause (2): pays or allows or agrees to pay or allow, directly or indirectly, any share, commission or brokerage in the fees or profits of his professional business, to any person other than a member of the Institute or a partner or a retired partner or the legal representative of a deceased partner, or a member of any other professional body or with such other persons having such qualifications as may be prescribed, for the purpose of rendering such professional services from time to time in or outside India.

Explanation – In this item, “partner” includes a person residing outside India with whom a chartered accountant in practice has entered into partnership which is not in contravention of item (4) of this Part;

Clause (3): accepts or agrees to accept any part of the profits of the professional work of a person who is not a member of the Institute:

Provided that nothing herein contained shall be construed as prohibiting a member from entering into profit sharing or other similar arrangements, including receiving any share commission or brokerage in the fees, with a member of such professional body or other person having qualifications, as is referred to in item (2) of this Part;

“Regulation 53A- Other professional bodies” of the Chartered Accountants Regulations, 1988,

(1) For the purposes of Items (2), (3) and (5) of Part I of the First Schedule to the Act, a person has to be a member of any of the following professional bodies, namely:-

- (a) The Institute of Company Secretaries of India established under the Companies Act, 1980 (No.56 of 1980);
- (b) The Institute of Cost and Works Accountants of India established under the Cost and Works Accountants Act, 1959 (No.23 of 1959);
- (c) Bar Council of India established under the Advocates Act, 1961 (No.25 of 1961);
- (d) The Indian Institute of Architects established under the Architects Act, 1972 (No.20 of 1972);
- (e) The Institute of Actuaries of India established under the Actuaries Act, 2006 (No.35 of 2006).

(2) The membership of the professional bodies or institutions outside India whose qualifications relating to accountancy are recognised by the Council under sub-section (2) of section 29 shall also be taken into consideration for the purposes of Items (2), (3) and (5) of the Part I of the First Schedule to the Act.

(3) For the purposes of Items (2), (3), (4) and (5) of Part I of the First Schedule to the Act, the following shall be the persons qualified in India, namely:-

- (i) Company Secretary within the meaning of the Company Secretaries Act, 1980;
- (ii) Cost Accountant within the meaning of the Cost and Works Accountants Act, 1959;
- (iii) Actuary within the meaning of the Actuaries Act, 2006;
- (iv) Bachelor in Engineering from a University established by law or an Institution recognized by law;
- (v) Bachelor in Technology from a University established by law or an institution recognised by law;
- (vi) Bachelor in Architecture from a University established by law or an institution recognised by law;
- (vii) Bachelor in Law from a University established by law or an institution recognised by law;
- (viii) Master in Business Administration from Universities established by law or technical institutions recognised by All India Council for Technical Education.

Hence, as per Clauses 2 and 3 of Part I of First Schedule to the Chartered Accountants Act, 1949 read with Regulation 53A of the Chartered Accountants Regulations, 1988, profit sharing with non-CAs is allowed.

Q20. Which provisions of the Chartered Accountants Act, 1949 and the Chartered Accountants Regulations, 1988 cover partnership aspect?

Response: Section 2(2) of the Chartered Accountants Act, 1949, Clause 4 of Part I of First Schedule to the Chartered Accountants Act, 1949 and Regulation 53B of the Chartered Accountants Regulations, 1988 cover partnership aspect. These provisions are given below.

Section 2(2) of the Chartered Accountants Act 1949,

“A member of the Institute shall be deemed “to be in practice”, when individually or in partnership with chartered accountants in practice, or in partnership with members of such other recognised professions as may be prescribed...”

“Part I: Professional misconduct in relation to Chartered Accountants in Practice” of the First Schedule to the Chartered Accountants Act, 1949

A chartered accountant in practice shall be deemed to be guilty of professional misconduct, if he-

- (4) enters into partnership, in or outside India, with any person other than a chartered accountant in practice or such other person who is a member of any other professional body having such qualifications as may be prescribed, including a resident who but for his residence abroad would be entitled to be registered as a member under clause (v) of

sub-section (1) of Section 4 or whose qualifications are recognised by the Central Government or the Council for the purpose of permitting such partnerships.

“Regulation 53B - Membership of professional bodies for partnership” of the Chartered Accountants Regulations, 1988,

(1) For the purposes of entering into partnership under Item (4) of Part I of the First Schedule to the Act, a person shall be a member of any of the following professional bodies, namely:-

- (a) Company Secretary, member, The Institute of Company Secretaries of India, established under the Company Secretaries Act, 1980;
- (b) Cost Accountant, member, The Institute of Cost and Works Accountants of India established under the Cost and Works Accountants Act, 1959;
- (c) Advocate, member, Bar Council of India established under the Advocates Act, 1961;
- (d) Engineer, member, The Institution of Engineers, or Engineering from a University established by law or an institution recognized by law.
- (e) Architect, member, The Indian Institute of Architects established under the Architects Act, 1972;
- (f) Actuary, member, The Institute of Actuaries of India, established under the Actuaries Act, 2006.

(2) Professional bodies or institutions outside India whose qualifications relating to accountancy are recognised by the Council under sub-section (2) of section 29 of the Act.

Q21. Which Regulation of the Chartered Accountants Regulations, 1988 cover profit sharing aspect?

Response: Regulation 53A(1) of the Chartered Accountants Regulations, 1988 covers profit sharing aspect with the members of prescribed professional bodies and Regulation 53A(3) covers profit sharing aspect with the persons having prescribed professional qualifications. These Regulations allow profit sharing even without entering into a partnership.

Q22. Whether the list of persons mentioned in Regulation 53A (which covers profit sharing) and Regulation 53B (which covers partnership) of the Chartered Accountants Regulations, 1988 is same?

Response: No, Regulation 53A shall apply for a CA in practice or a firm of CA in practice who want to share fees or accept sharing of fees from the members of prescribed professional bodies or persons having prescribed professional qualification

even without entering into a partnership. Regulation 53B shall apply to a CA in practice or a firm of CAs in practice who want to enter into a partnership with members of prescribed professional bodies. MBAs are not covered in the list of persons mentioned in Regulation 53B of the Chartered Accountants Regulations, 1988.

Q23. Whether there is any ratio or number prescribed for different partners of MDP CAs in Practice?

Response: There is no such ratio or number prescribed under the Chartered Accountants Act, 1949 or the Chartered Accountants Regulations, 1988. However, to be eligible to undertake statutory audit under the Companies Act, 2013, MDP CAs in Practice should have majority of CA partners. In this regard, please refer the specific question given below.

Q24. Can MDP CAs in Practice be formed where majority of partners are non-CAs as prescribed under Regulation 53B of the Chartered Accountants Regulations, 1988?

Response: Yes, there is no such restriction imposed either in the Chartered Accountants Act, 1949 or the Chartered Accountants Regulations, 1988. However, to be eligible to undertake statutory audit under the Companies Act, 2013, MDP CAs in Practice should have majority of CA partners. In this regard, please refer the specific question given below.

Q25. Is MDP CAs in Practice eligible for statutory audit under the Companies Act 2013 in case majority of its partners are non-CAs?

Response: Section 141 of the Companies Act 2013 states as under:

Eligibility, Qualifications and Disqualifications of Auditors

(1) A person shall be eligible for appointment as an auditor of a company only if he is a chartered accountant:

Provided that a firm whereof majority of partners practising in India are qualified for appointment as aforesaid may be appointed by its firm name to be auditor of a company.

(2) Where a firm including a limited liability partnership is appointed as an auditor of a company, only the partners who are chartered accountants shall be authorised to act and sign on behalf of the firm.

(3) The following persons shall not be eligible for appointment as an auditor of a company, namely:—

(a) a body corporate other than a limited liability partnership registered under the Limited Liability Partnership Act, 2008;

- (b) an officer or employee of the company;
- (c) a person who is a partner, or who is in the employment, of an officer or employee of the company;
- (d) a person who, or his relative or partner—
 - (i) is holding any security of or interest in the company or its subsidiary, or of its holding or associate company or a subsidiary of such holding company:
 Provided that the relative may hold security or interest in the company of face value not exceeding one thousand rupees or such sum as may be prescribed;
 - (ii) is indebted to the company, or its subsidiary, or its holding or associate company or a subsidiary of such holding company, in excess of such amount as may be prescribed; or
 - (iii) has given a guarantee or provided any security in connection with the indebtedness of any third person to the company, or its subsidiary, or its holding or associate company or a subsidiary of such holding company, for such amount as may be prescribed;
- (e) a person or a firm who, whether directly or indirectly, has business relationship with the company, or its subsidiary, or its holding or associate company or subsidiary of such holding company or associate company of such nature as may be prescribed;
- (f) a person whose relative is a director or is in the employment of the company as a director or key managerial personnel;
- (g) a person who is in full time employment elsewhere or a person or a partner of a firm holding appointment as its auditor, if such persons or partner is at the date of such appointment or reappointment holding appointment as auditor of more than twenty companies;
- (h) a person who has been convicted by a court of an offence involving fraud and a period of ten years has not elapsed from the date of such conviction;
- (i) a person who, directly or indirectly, renders any service referred to in section 144 to the company or its holding company or its subsidiary company.

Explanation.—For the purposes of this clause, the term "directly or indirectly" shall have the meaning assigned to it in the Explanation to section 144.

(4) Where a person appointed as an auditor of a company incurs any of the disqualifications mentioned in sub-section (3) after his appointment, he shall vacate his office as such auditor and such vacation shall be deemed to be a casual vacancy in the office of the auditor.

Accordingly, MDP CAs in Practice is not eligible for statutory audit under the Companies Act 2013 in case majority of its partners are non-CAs.

Q26. How the majority of partners will be calculated for the purpose of appointment as statutory auditor under the Companies Act, 2013?

Response: "Majority criteria" for the purpose of computing eligibility of MDP CAs in Practice for the purpose of appointment as statutory auditor under the Companies Act, 2013 shall be calculated both on the basis of the number of partners as well as their aggregate share of profits in MDP CAs in Practice so that the majority criteria is clearly established.

It is to be noted that partners of partnership firm have joint and several liability and partners of limited liability partnership have limited liability. Keeping both the aspects into consideration, the above condition for majority shall apply.

For example, the number of CA partners in MDP CAs in Practice is more but their aggregate share of profits is lesser than the aggregate share of profits of non-CA partners then it shall not be called majority. Similarly, number of CA partners in MDP CAs in Practice is lesser than the number of non-CA partners in MDP CAs in Practice but their aggregate share of profits is more than aggregate share of profits of the non-CA partners then also it shall be considered as a firm with no majority.

Q27. Can MDP CAs in Practice undertake Tax Audit engagement?

Response: MDP CAs in Practice can undertake Tax Audit engagement.

Q28. Whether MDP CAs in Practice can accept other engagement like bank audit, audit of co- operative society?

Response: MDP CAs in Practice can render all services as prescribed in Section 2(2) of the Chartered Accountants Act, 1949 read with Regulation 190A of the Chartered Accountants Regulations, 1988. It can also render services allowed to be performed by other professionals who are its partners.

Q29. What services can be rendered by MDP CAs in Practice?

Response: MDP CAs in Practice can render all services as prescribed in Section 2(2) of the Chartered Accountants Act, 1949 read with Regulation 190A of the Chartered Accountants Regulations, 1988. It can also render services allowed to be performed by other professionals who are its partners.

Q30. Can non-CA partner be in-charge of branch office of MDP CAs in Practice?

Response: As per "Section 27 - Maintenance of Branch Offices" of the Chartered Accountants Act, 1949:

- (1) *Where a chartered accountant in practice or a firm of such chartered accountants has more than one office in India, each one of such offices shall be in the separate charge of a member of the Institute:*

Provided that the Council may in suitable cases exempt any chartered accountant in practice or a firm of such chartered accountants from the operation of this subsection.

- (2) *Every chartered accountant in practice or a firm of such chartered accountants maintaining more than one office shall send to the Council a list of offices and the persons in charge thereof and shall keep the Council informed of any changes in relation thereto.*

By virtue of Section 27 of the Chartered Accountants Act, 1949, only chartered accountants are permitted to be in-charge of the branch offices of MDP CAs in Practice. However, it may be noted that in terms of the proviso given in sub-section (1) of Section 27 of the Chartered Accountants Act, 1949, the Council of ICAI has power to grant exemption from the aforesaid requirement in suitable cases. In case, MDP CAs in practice desires that a non-CA partner be made in-charge of any branch office, it may make request to the Council of ICAI in this regard.

Q31. Have the Chartered Accountants Act, 1949 and the Chartered Accountants Regulations, 1988 specified foreign qualifications equivalent to CA for purposes of MDP CAs in Practice?

Response: Regulation 53B(2) of the Chartered Accountants Regulations, 1988 states as under:

“Professional bodies or institutions outside India whose qualifications relating to accountancy are recognised by the Council under sub-section (2) of section 29 of the Act.”

As on date, the Council of ICAI has not specified any foreign qualifications equivalent to CA for purposes of MDP CAs in Practice.

Q32. Which partner of MDP CAs in Practice will be responsible to supply information at the time of registration and supply information which may be required from time to time?

Response: This aspect will be decided among the partners as prescribed in the partnership deed.

Q33. Can partners of MDP CAs in Practice appoint staff of their choice?

Response: This aspect will be decided among the partners as prescribed in the partnership deed.

Q34. Partnership deed is having a specific clause that the death or retirement of partners(s) shall not dissolve the MDP CAs in Practice. In case all the CA partners in MDP CAs in Practice are deceased or retired whether the non-CA partners can continue MDP CAs in Practice?

Response: No, to form MDP CAs in Practice, atleast one partner should be a CA holding certificate of practice.

Q35. Whether partners of MDP CAs in Practice are required to consult each other or can work independently?

Response: This aspect will be decided among the partners as prescribed in the partnership deed.

Q36. The Company Secretaries (Amendment) Regulations, 2020 have inserted a new regulation 165A “Multidisciplinary Firm” in the Company Secretaries Regulations, 1982. Is parallel change required in the Chartered Accountants Regulations, 1988?

Response: The provisions of Regulation 165A is already explained in detail under Regulation 168A and Regulation 168B of the Company Secretaries Regulations, 1982, which are exactly similar to Regulation 53A and Regulation 53B of the Chartered Accountants Regulations, 1988. Accordingly, there is no need for similar provision either in the Chartered Accountants Act, 1949 or the Cost and Works Accountants Act, 1949 or the Regulations thereunder.

Q37. What will be extent of liability of partners of MDP CAs in Practice?

Response: The liability of partners of MDP CAs in Practice will be governed by the legislation under which it is constituted i.e. the Indian Partnership Act, 1932 or the Limited Liability Partnership Act, 2008.

Q38. Whether these provisions cover conversion of existing CA firm into MDP CAs in Practice or these provisions only cover formation of new MDP CAs in Practice?

Response: These provisions cover both cases i.e. conversion of existing CA firm into MDP CAs in Practice as well as formation of new MDP CAs in Practice.

Q39. In case of conversion of existing CA firm into MDP CAs in Practice, whether new FRN will be required?

Response: In case of conversion of existing CA firm into MDP CAs in Practice, new FRN will be required.

Q40. Whether MDP CAs in Practice will be eligible for empanelment with various agencies?

Response: MDP CAs in Practice will be eligible for empanelment with various agencies provided it satisfies the eligibility criteria for empanelment prescribed by various agencies.

Q41. Whether networking will be allowed for MDP CAs in Practice?

Response: Networking will be allowed for MDP CAs in Practice provided it satisfies the various conditions prescribed in the “Guidelines for Networking” issued by the Council of ICAI.

Q42. Whether various guidelines issued by the Council of ICAI from time to time (e.g. advertisement, website, visiting cards, networking) will be applicable to MDP CAs in Practice?

Response: Yes. MDP CAs in Practice will be required to comply with the provisions of the Chartered Accountants Act, 1949, the Chartered Accountants Regulations, 1988 and Rules framed thereunder, Guidelines and directions issued by the Council of ICAI from time to time.

Q43. Whether non-CA partners of MDP CAs in Practice can be part of the engagement team in terms of definition of the term “engagement team” given in SQC 1 and SA 220?

Response: Definition of the term “engagement team” as per SQC 1 and SA 220 is reproduced below.

“Engagement team – all personnel performing an engagement, including any experts contracted by the firm in connection with that engagement. The term “engagement team” excludes individuals within the client's internal audit function who provide direct assistance on an audit engagement when the external auditor complies with the requirements of SA 610 (Revised).”

Further, definition of the term “personnel” as per SQC 1 and SA 220 is reproduced below.

“Personnel – partners and staff.”

From above definitions, it is clear that engagement team includes partners. Accordingly, non-CA partners of MDP CAs in Practice can be part of the engagement team in terms of definition of the term “engagement team” given in SQC 1 and SA 220.

Q44. How the identity of MDP CAs in Practice will be distinguished from other CA firms?

Response: MDP CAs in Practice shall have distinct name which shall be approved by the Institute. To distinguish MDP CAs in Practice from other CA firms, the suffix “multi-disciplinary partnership firm of chartered accountants in practice” shall be used after the name of MDP CAs in Practice.

Illustration: A firm consists of partners who are Chartered Accountants in practice (i.e. where all partners are Chartered Accountants) then under Section 7 of the Chartered

Accountants Act, 1949, the firm can use along with its name “Chartered Accountants” as suffix.

But in case of MDP CAs in Practice, since all the partners are not Chartered Accountants, the firm shall be called “Multi-disciplinary Partnership Firm of Chartered Accountants in Practice”.

Q45. Whether MDP CAs in Practice will be required to comply with provisions of Acts and Rules/Regulations of professional bodies whose members are its partners?

Response: *Clause 1 of Part II of Second Schedule to the Chartered Accountants Act, 1949 – Professional misconduct in relation to members of the Institute generally*

A member of the Institute, whether in practice or not, shall be deemed to be guilty of professional misconduct, if he–

(1) contravenes any of the provisions of this Act or the regulations made thereunder or any guidelines issued by the Council;

Clause 1 of Part II of Second Schedule to the Company Secretaries Act, 1980 – Professional misconduct in relation to members of the Institute generally

A member of the Institute, whether in practice or not, shall be deemed to be guilty of professional misconduct, if he–

(1) contravenes any of the provisions of this Act or the regulations made thereunder or any guidelines issued by the Council;

Clause 1 of Part II of Second Schedule to the Cost and Works Accountants Act, 1959 – Professional misconduct in relation to members of the Institute generally

A member of the Institute, whether in practice or not, shall be deemed to be guilty of professional misconduct, if he–

(1) contravenes any of the provisions of this Act or the regulations made thereunder or any guidelines issued by the Council;

Clause 4 of Part III of Schedule to the Actuaries Act, 2006 – Professional misconduct in relation to members of the Institute generally

A member of the Institute, whether in practice or not, shall be deemed to be guilty of professional misconduct, if he–

(1) contravenes any of the provisions of this Act or the regulations made thereunder or any guidelines issued by the Council under clause (i) of sub-section (2) of section 19;

Clause 2 of Part IV of First Schedule to the Chartered Accountants Act, 1949 – Other misconduct in relation to members of the Institute generally

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

(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.

Clause 2 of Part IV of First Schedule to the Company Secretaries Act, 1980 – Other misconduct in relation to members of the Institute generally

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

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

Clause 2 of Part IV of First Schedule to the Cost and Works Accountants Act, 1959 – Other misconduct in relation to members of the Institute generally

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

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

Hence, MDP CAs in Practice will be required to comply with provisions of Acts and Rules/Regulations of professional bodies whose members are its partners.

Q46. Whether a specimen format of partnership deed should be provided?

Response: Partnership firm is an organization based on agreement or arrangement between two or more persons. It is the responsibility of MDP CAs in Practice to draft their own partnership deed satisfying the provisions of the Chartered Accountants Act, 1949, the Chartered Accountants Regulations, 1988 and the provisions of Acts and Rules/Regulations of respective professional bodies.

Q47. What will be the responsibility of MDP CAs in Practice or its partners for misconduct of a partner?

Response: In case of misconduct of a partner, that partner would be subject to disciplinary mechanism of the respective professional body. Where there is no professional body to deal with misconduct of a partner, general law of the land will prevail. Further, MDP CAs in Practice or other partners of MDP CAs in Practice would not be responsible for misconduct of a partner.