



THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA
(Set up by an Act of Parliament)

[PR/257/14-DD/316/14-DC/677/17]

ORDER UNDER SECTION 21B(3) OF THE CHARTERED ACCOUNTANTS ACT, 1949 READ WITH RULE 19(1) OF THE CHARTERED ACCOUNTANTS (PROCEDURE OF INVESTIGATION OF PROFESSIONAL AND OTHER MISCONDUCT AND CONDUCT OF CASES) RULES, 2007.

[PR/257/14-DD/316/14-DC/677/17]

In the matter of:

The Director,

M/s Ubuntu Health Solutions Pvt. Ltd.,
702, Sukh Shanti Apartments, Sector 56,
GURGAON -122 011

.... **Complainant**

-Vs-

CA. Gurudas Saha (M. No. 104292),

I-361, Raghunath Vihar,
Sector 14, Kharghar,

NAVI MUMBAI – 410 210

.... **Respondent**

MEMBERS PRESENT:

1. CA. (Dr.) Debashis Mitra, Presiding Officer
2. Shri Rajeev Kher, I.A.S. (Retd.), Government Nominee
3. CA. Amarjit Chopra, Government Nominee
4. CA. Rajendra Kumar P, Member
5. CA. Babu Abraham Kallivayalil, Member

DATE OF MEETING : 14.06.2021 (Through Video Conferencing Mode)

1. That vide findings under Rule 18 (17) of the Chartered Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007 dated 12.02.2021, the Disciplinary Committee was inter-alia of the opinion that **CA. Gurudas Saha (M. No. 104292)** (hereinafter referred to as the **Respondent**) was **GUILTY** of professional misconduct falling within the meaning of Item (3) of Part II of the Second Schedule to the Chartered Accountant Act 1949.

2. The Committee noted that the Respondent was not present before the Bench. The Committee noted that no communication is received from the Respondent despite of the fact

Dr. Arvind Kumar, Director, M/s Ubuntu Health Solutions Pvt. Ltd., Gurgaon -vs- CA. Gurudas Saha (M.No.104292), Navi Mumbai



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the notice was sent to him through speed post/email on 28th May, 2021 which was duly received by him. The Committee noted that this case was earlier fixed on 27th May 2021 and was adjourned at the request of Respondent made by him vide email dated 26th May, 2021.

3. The Committee noted that on earlier occasion an email dated 26th May 2021 was received from the Respondent wherein he sought adjournment on ground of corona pandemic and his inability to attend the meeting as he is not a techno savvy person and is not conversant with handling of video conferencing. He further stated that he is not having requisite facilities at home and his family members do not permit him to go out of the house. The Committee while providing sufficient opportunities and in absence of his reply decided to conclude the hearing ex-parte with the documents on record.

4. The Committee while looking into the matter and the conduct of the Respondent, is of the opinion that it is clearly coming out from findings that the Respondent had given wrong declaration under Regulation 190A of the Chartered Accountants Regulations, 1988 whereas his role was more than director simplicitor and he was involved in day to day working of the Company.

5. Therefore, keeping in view the facts and circumstances of the case, material on record and submissions of the Respondent before it, the Committee ordered that the Respondent i.e. CA. Gurudas Saha (M. No. 104292), be reprimanded with the fine of Rs.50,000/- (Fifty Thousand Rupees) to be payable by him within a period of 30 days of receipt of the order and in case of non-payment of fine, the name shall be removed for 15 (Fifteen) days.

sd/-

(CA. (Dr.) Debashis Mitra)
PRESIDING OFFICER

(approved & confirmed through email)
(SHRI RAJEEV KHER, I.A.S. RETD.)
GOVERNMENT NOMINEE

(approved & confirmed through email)
(CA. AMARJIT CHOPRA)
GOVERNMENT NOMINEE

sd/-

(CA. RAJENDRA KUMAR P)
MEMBER

sd/-

(CA. BABU ABRAHAM KALLIVAYALIL)
MEMBER

Date : 19.1.2022

Place : New Delhi

प्रमाणित सत्य प्रतिलिपि / Certified true copy

सी.ए. ज्योतिका ग्रोवर / CA. Jyotika Grover
सहायक सचिव / Assistant Secretary
अख्यतः महाप्रबन्धन विभाग / Disciplinary Directorate
इंस्टीट्यूट ऑफ चार्टर्ड एकाउंटेंट्स ऑफ इंडिया
The Institute of Chartered Accountants of India
आदर्श एनार्ड भवन, विश्वास नगर, शाहदरा, दिल्ली-110032
ICAI Bhawan, Vishwas Nagar, Shahdara, Delhi-110032

Dr. Arvind Kumar, Director, M/s Ubunet Mahatma Solutions Pvt. Ltd. vs. CA. Gurudas Saha (M.No.104292), Navi Mumbai

CONFIDENTIAL

DISCIPLINARY COMMITTEE [BENCH – II (2020-2021)]

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

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

File No. : [PR/257/14-DD/316/14-DC/677/17]

In the matter of:

The Director,

M/s Ubuntu Health Solutions Pvt. Ltd.,

702, Sukh Shanti Apartments, Sector 56,

GURGAON -122 011

.... Complainant

-Vs-

CA. Gurudas Saha (M. No. 104292),

I-361, Raghunath Vihar,

Sector 14, Kharghar,

NAVI MUMBAI – 410 210

.... Respondent

MEMBERS PRESENT:

Shri Rajeev Kher, I.A.S.(RETD.) (Govt. Nominee)

CA. Amarjit Chopra, (Govt. Nominee)

CA. Rajendra Kumar P, Member

CA. Pramod Kumar Boob, Member

DATE OF FINAL HEARING : 27.01.2021

PLACE OF FINAL HEARING : ICAI Bhawan, Delhi

PARTIES PRESENT :

Counsel for the Respondent : CA C N Vaze

Charges in Brief :

1. In the instant matter, the Respondent was held prima-facie Guilty by Director (Discipline) on the charge that the latter in his application for seeking permission for engagement in other occupation under Regulation 190A of the Chartered Accountants Regulations, 1988 had mentioned that he is director simplicitor in M/s Hemprova Multipurpose & Agro Pvt. Ltd. and M/s Financial Value added Services (India) Pvt. Ltd., whereas he was found involved in day to day activities of these Companies. Accordingly, the Respondent was held Prima-facie guilty of Item (3) of Part II of the Second Schedule to the Chartered Accountants Act, 1949.

Brief facts of the Proceedings:

2. The Committee has noted that the Respondent is represented by his learned counsel CA C N Vaze. The Respondent is not present in person. The Committee on perusal of the withdrawal letter by the Complainant vis-à-vis facts of the case decided not to accept his withdrawal and decided to proceed the case ex-parte the Complainant. Since, the Counsel of the Respondent was present through video conferencing mode, hence he gave self-declaration that he was alone in the room from where he was appearing/attending the hearing and he was not recording the proceedings. The Counsel for the Respondent made his submissions. The Committee heard the Learned Counsel of the Respondent, took on record the documents and the written submissions of the Respondent.

2.1 Thereafter the Committee concluded the hearing.

FINDINGS OF THE COMMITTEE:

3. The Committee has noted the submissions of the Respondent that his client was only a Director Simplicitor and was not involved in day to day operations. He further submitted that the Respondent neither had signed any cheque nor had

attended office on any day. He further submitted that since other directors of the Company were young, hence the Respondent due to his experience in recovery field was helping the Companies in emergent situations. He also submitted that such helping cannot be construed as involvement in day to day activities.

- 3.1 The Committee also brought to the attention of the Counsel of the Respondent the SMS and email exchanged between the Complainant and the Respondent specifically on page no. C-31, C-32 and C-33 of prima-facie opinion of Director (Discipline) wherein the Respondent had mentioned the word "us". The Counsel for the Respondent on the same submitted that these correspondences were made by the Respondent on behalf of the Company in emergency. The Committee was not convinced with his reply as the language written in these correspondences clearly describes the role of the Respondent in day to day activities of the Companies.
- 3.2 The attention of the Committee is drawn to Page R-48 of the prima facie opinion of the Director (Discipline) which was the statement given by the Respondent before the Investigation Officer, Economic Offence Wing. The Committee is of the opinion that having given this statement, the Respondent cannot be merely construed as Director Simplicitor.
- 3.3 The Committee has heard the counsel of the Respondent, the Committee has gone through the documents on record. Based on the material available and the submissions made by the Respondent, it is evident that the Respondent is not Director Simplicitor as is claimed by him. The Committee is convinced that the Respondent is involved in day to day operations of the companies. The Committee also finds that the Respondent has given wrong declaration under Regulation 190A of the Chartered Accountants Regulations, 1988.

Conclusion

4. In terms of the reasoning discussed above and in the considered opinion of the Committee, the Committee holds the Respondent i.e. **CA. Gurudas Saha (M.**

No. 104292) guilty of Professional Misconduct falling within the meaning of Item (3) of Part II of the Second Schedule to the Chartered Accountants Act, 1949.

sd/-
(SHRI RAJEEV KHER, I.A.S.(RETD.))
GOVERNMENT NOMINEE

(approved & confirmed through email)
(CA. AMARJIT CHOPRA)
GOVERNMENT NOMINEE

sd/-
(CA. RAJENDRA KUMAR P)
MEMBER

(approved & confirmed through email)
(CA. PRAMOD KUMAR BOOB)
MEMBER

DATE: 12TH FEBRUARY, 2021
PLACE: NOIDA

Certified to be true copy


Jyotika Grover
Assistant Secretary,
Disciplinary Directorate

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