



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

[PR/210/2020/DD/216/2020/BOD/683/2023]

ORDER UNDER SECTION 21A (3) OF THE CHARTERED ACCOUNTANTS ACT, 1949 READ WITH RULE 15(1) OF THE CHARTERED ACCOUNTANTS (PROCEDURE OF INVESTIGATIONS OF PROFESSIONAL AND OTHER MISCONDUCT AND CONDUCT OF CASES) RULES, 2007

In the matter of:

CA. Sudhir Kumar Agarwal (M.No. 088583)
508, Arunachal Building, 19 Barakhamba Road
New Delhi-110001.

.... Complainant

-Vs-

CA. Raghav Mangal (M.No. 514129)
Flat No. D 4 Pragniya Apartment,
Export Enclave Deoli, Deoli Nai Basti Road,
New Delhi-110080.

..... Respondent

[PR/210/2020/DD/216/2020/BOD/683/2023]

MEMBERS PRESENT (in person):

CA. Rajendra Kumar P, Presiding Officer
Ms. Dolly Chakrabarty (IAAS, ret'd.), Government Nominee
CA. Priti Savla, Member

Date of Hearing and passing Order: 11th January 2024

1. The Board of Discipline vide its Findings dated **28th December 2023** was of the view that **CA. Raghav Mangal (M.No. 514129)** is **GUILTY** of Other Misconduct falling within the meaning of Item (2) of Part IV of the First Schedule to the Chartered Accountants Act, 1949 read with Section 22 of the said Act.

2. An action under Section 21A (3) of the Chartered Accountants Act, 1949 was contemplated against **CA. Raghav Mangal** and communication dated **4th January 2024** was addressed to him thereby granting him an opportunity of being heard on **11th January 2024**. The Respondent vide email dated **10th January 2024** informed that he had appointed Sh. Sanket Ranjan Advocate to represent him alongwith himself before it through video conferencing. The Board held that since there is no specific stipulation as regard representation through an authorized representative in Rule 15 of The Chartered Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007 and no fresh grounds can be adduced at this stage, representation through authorized representative is not permitted. Accordingly, only the Respondent appeared before the Board through video conferencing. He confirmed receipt of the Findings of the Board. In his representation, amongst other things, he questioned the conduct of the Complainant. Since the instant case was filed against the Respondent and not against the Complainant, the said submissions were not taken on record.

3. Thus, upon consideration of the facts of the case, the consequent misconduct of **CA. Raghav Mangal (M.No. 514129)** and keeping in view his representation before it, **the Board decided to Reprimand CA. Raghav Mangal (M.No. 514129).**

Sd/-

CA. Rajendra Kumar P
(Presiding Officer)

Sd/-

Ms. Dolly Chakrabarty (IAAS, ret'd.)
(Government Nominee)

सही प्रतिलिपि होने के लिए प्रमाणित/
Certified to be true copy

नियंत्रण समिति / Nishu Sharma
वरिष्ठ कार्यकारी अधिकारी / Sr. Executive Officer
अनुशासनिक विभाग / Disciplinary Directorate
इस्टिमेट ऑफ चार्टर्ड एकाउंटेंट्स ऑफ इंडिया
The Institute of Chartered Accountants of India
आईसीएआई भवन, विश्वास नगर, शाहदरा, दिल्ली-110032
ICAI Bhawan, Vishwas Nagar, Shahdara, Delhi-110032

Sd/-

CA. Priti Savla
(Member)

CONFIDENTIAL

BOARD OF DISCIPLINE**Constituted under Section 21A of the Chartered Accountants Act 1949****Findings under Rule 14(9) of the Chartered Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007****File No.: [PR/210/2020/DD/216/2020/BOD/683/2023]****CORAM: (Present in Person)****CA. Rajendra Kumar P, Presiding Officer****Ms. Dolly Chakrabarty, (IAAS, ret'd.), Government Nominee****CA. Priti Savla, Member****In the matter of:****CA. Sudhir Kumar Agarwal (M No. 088583)****508, Arunachal Building, 19 Barakhamba Road****NEW DELHI- 110001.****.....Complainant****Versus****CA. Raghav Mangal (M No. 514129)****Flat No. D 4 Pragniya Apartment,****Export Enclave Deoli, DEOLI Nai Basti Road,****NEW DELHI- 110080.****.....Respondent****DATE OF FINAL HEARING****5th October 2023****PARTIES PRESENT: (In person)****Complainant****CA. Sudhir Kumar Agarwal****Respondent****CA. Raghav Mangal****FINDINGS:****BRIEF FACTS OF THE CASE:**

1. There is a dispute between the Complainant and the Respondent, and both parties have filed complaints against each other with the ICAI as well with other statutory authorities. Both the parties are known to each other for a long time. Earlier, the Respondent was a tenant; thereafter, he purchased his own office above the office of the Complainant, for which the Complainant helped him. The Complainant also states that the Respondent



showed his interest in trading on the stock market; therefore, the Complainant introduced him to his brother, whose company has been a member of the NSE since 2004. According to the Complainant due to loss in stock market, the Respondent started defaming him (i.e., the Complainant) and the Complainant had filed a criminal complaint against the Respondent before Madhu Vihar Police Station, Delhi on 12 July 2020 which was followed by further complaint on 28 July 2020.

CHARGES ALLEGED:

- 2.1 The Respondent took a personal loan of Rs. 5,00,000/- from the Complainant in 2016 that was never returned to him.
- 2.2 The Respondent comes with an ill intention to tarnish his image and has circulated the audio (hard talk between the Complainant and the Respondent after the Respondent refused to return Rs. 5,00,000/- to the Complainant) with all associations, including SEBI, the Chartered Accountant Institute, ANMI, DDCA, and other organizations as well as with colleagues and family members. The Complainant alleged that the Respondent was sending him abusive messages and harassing him for no reason. The Respondent was continuously circulating messages against him in social groups by using vulgar and abusive language that tarnished his image and defamed his reputation.
- 2.3 The Complainant further also claimed that the Respondent was involved in gambling and had large nexuses in the country and abroad.

The Board noted that the Director (Discipline) in his Prima Facie Opinion held the Respondent Guilty only in respect of the charge specified at para 2.2 above and the said view had been accepted by the Board. Accordingly, the conduct of the Respondent was examined only in respect of the charge specified at para 2.2 above.

BRIEF OF PROCEEDINGS HELD:

3.

S.No.	Date of Hearing	Status of Hearing(s)
1.	16th May 2023	Adjourned due to non-appearance of the parties.
2.	3rd July 2023	Adjourned at the request of the Complainant.

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3.	22nd August 2023	Adjourned due to non-appearance of the Complainant.
4.	5th October, 2023	Heard and concluded.

BRIEF SUBMISSIONS OF THE RESPONDENT :

The Respondent in his defence, Inter-alia, stated as under:

- 4.1 The Respondent had never taken any single rupee of loan from the Respondent, and he was never doing any Equity/Commodity/Currency Future Transaction with the Complainant and his Brother's Company then why the Complainant has given life threatening call to him on 07.01.2020 and his Family Members.
- 4.2 He never started sending abusive messages and recorded audio at first. It was only after the Complainant started tarnishing his image in the society, family and CA fraternity.
- 4.3 The Complainant had harassed him, and he scared him to not go out. He has abused on record that he would torn off his family member's clothes, he was trying to threaten the Respondent that he would let his wife's clothes torn by some people.
- 4.4 The Respondent has filed a Complaint under Section 200 of the Code of Criminal Procedure for Commission of Offence U/s 499 read With Section 500 IPC. Vide Case Number 386/2022 dated 29.03.2022 in The Court of Chief Judicial Magistrate District East, Karkardooma Court, Delhi. Till date four hearings have been fixed by Court, still the Complainant has not attended Court Hearing and not filing any reply in support of allegations filed against the Respondent.
- 4.5 The Respondent brought on record two evidence wherein the Complainant has filed forged Court cases, in the Court of Senior Civil Judge and in the Court of Ld. Chief Metropolitan Magistrate, Patiala House Court, New Delhi, and never filed any documentary evidence in support of his allegations mentioned above.
- 4.6 The Complainant filed against the Respondent a Civil Suit in the Court of Senior Civil Judge, District New Delhi, Patiala House Court, New Delhi, vide Suit No.586/2021 In which he raised same allegation as mentioned above.
- 4.7 Due to some medical problem to Respondent's Father, he was not able to attend 2-3 hearing in the year 2021. In the meantime Court ordered ex-parte Order against him. Then he filed his written statement on 24 05 2022. After that previous Order passed on 30 03 2021 was set



aside by Court. After that the Complainant never filed any counter reply. Now on 21.02.2023 Civil Suit was dismissed by Patiala House Court.

- 4.8 The Complainant also filed against the Respondent a Criminal Suit in the Court of Ld. Chief Metropolitan Magistrate, Patiala House Court, New Delhi, vide Suit No 9275/2020 In which he raised same allegation as mentioned above. Till date approximately 10 hearings were fixed by Court, but still, he did not submit pre summon evidence in Court against the Respondent in Court.

OBSERVATIONS OF THE BOARD:

- 5.1 The Board observed that the charge levelled against the Respondent is that he has sent abusive messages to the Complainant and is trying to tarnish the image of the Complainant. In this regard, the Board observed that the Complainant placed on record various text-based conversations between the parties wherein the Respondent has been seen to be using foul language against the Complainant.

- 5.2 The Board further perused the content of the conversation shared between both the parties in whatsapp message which reads as follows:

"Tera audio tere bhaiyo ko aur teri beti ke sasural bhej diya hai maine.

Teri kartut tere gharwalo aur tere relative ko bhej raha huu."

"Mahila aayog mai ek letter jama kara diya hai maine tere audio ke sath.

Mai soch raha huu ek complaint ED, CBI, Interpole ko bhi bhej duu kyu ki tuu Dubai ka don hai na."

"Tera naam to mujhe ICAI ki history main dalwana hai.

Tujhe to mai Dubai tak mashhur karna chahta huu."

Maine pichle 7 mahine see tere aur tere dosto aur relatives ko msg bhejkar pareshan kar Rakha hai. Abb mai teri iss pareshani ko khatam karne jaa raha huu. Monday see tere paas aur tere jankar logo ke paas abb koi msg aur call nahi aaye gaa.

Mai bhi thaak chukka huu tum jaise ganduo koo samjha samjha kee but kutte ki tedi puch bhi sidhi nahi ho sakti

Basu

Yadi main nahi too tum bhi nahi"

On perusal of the same, it is evident that the Respondent has been seen to be using foul and vulgar language for the Complainant in the conversations.

5.3 Further, in other various conversations enclosed with the complaint misbehaving, threatening the Complainant and using of filthy and foul language by the Respondent is clearly visible.

5.4 The Board also observed that the usage of indecent, foul and culturally offensive language by the Respondent against the Complainant is also evident from his written statement submitted at Prima Facie stage in response to the allegations alleged against him wherein he stated as under:

*"My suggestion to this type of Fellow CA needs admission in Primary School for reeducating to this **donkey** Fellow CA. Sudhir Kumar Agarwal."*

5.5 In this regard, the Board took into view the following observation in the case law :K. Bhattacharjee vs. B.K. Chakraborty - Page 86 of Vol. VII(1) of Disciplinary Cases – Council's decision dated 11th to 13th February, 1988 - Judgement dated 10th June, 1996:

"The Respondent, inter alia, had used objectionable, derogatory and abusive language. He made irrelevant, incoherent, irresponsible and insane statements, expressions in all his correspondence with the complainant. He was, inter alia, held guilty of 'other misconduct'."

5.6 The Board also noted that the Respondent during the course of hearing also accepted the fact of using offensive language. The Board observed that the Respondent's behaviour was not commensurate with the manner in which the professional should be, and he also did not express any remorse or repented for his acts before it and only further aggravated the proceedings.

Therefore, based on the facts stated above, the Board was of the view that the conduct of the Respondent is clearly unbecoming of a Chartered Accountant. Accordingly, the Board held the Respondent guilty in respect of the charge alleged.

CONCLUSION:



[PR/210/2020/DD/216/2020/BOD/683/2023]

6. Thus, in conclusion, in the considered opinion of the Board, the Respondent is **GUILTY** of "Other Misconduct" falling within the meaning of Item (2) of Part IV of the First Schedule to the Chartered Accountants Act, 1949 read with section 22 of the said Act.

Sd/-

CA. Rajendra Kumar P
(Presiding Officer)

Sd/-

Ms. Dolly Chakrabarty (IAAS, ret'd.)
(Government Nominee)

Sd/-

CA. Priti Savla
(Member)

DATE: 28-12-2023

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बिना नाथ तिवारी / Bushwa Nath Tiwari
कार्यकारी अधिकारी / Executive Officer
अनुशासनात्मक विदेशालय / Disciplinary Directorate
इंस्टीट्यूट ऑफ चार्टर्ड एकाउंटेंट्स ऑफ इंडिया
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