2026:DHC:2609

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

W.P.(C) 10170/2023

Date of Decision: **18.03.2026**

IN THE MATTER OF:

SHEKHAR SHARMA .....Petitioner

Through: Mr. Aayush Agarwal, Advocate and Mr. Gaurav Verma, Advocate

versus

THE INSTITUTE OF CHARTERED ACCOUNTANT OF INDIA & ANR. .....Respondent

Through: Ms. Vibhooti Malhotra, Advocate for respondent no. 1
Mr. D.S Vohra, Advocate for respondent no. 2

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

JUDGEMENT

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

1. The impugned communication dated 08.05.2023 seems to have been passed in purported compliance of the direction dated 24.04.2023 in W.P.(C). 202/2019. It contains the following decision by the Board of Discipline ('Board'), as constituted under Section 21(A) of the Chartered Accountants Act, 1949. The decision is extracted as under:

> "*The Board considered the prima facie opinion dated 13th March, 2018 of the Director (Discipline) along with the Complaint, Written Statement, Rejoinder and additional documents on record.*

The board on consideration of the same was of the view that subject matter of the complaint were relating to family dispute and the Respondent has been made a party to such disputes, Accordingly, the Board did not agree with the prima facie opinion of the Director that the Respondent is GUILTY of Other Misconduct falling within the meaning of Clauses (2) of Part IV of the First Schedule to the Chartered Accountants Act, 1949 read with section 22 of the said Act.

The Board, accordingly, passed order for closure of the case"

2. Learned counsel appearing for the petitioner has also assailed the Order dated 28/29.03.2018, passed by the Board, disagreeing with the *prima facie* opinion of the Director (Discipline) without furnishing reasons. The solitary grievance of the petitioner, therefore, is that if the Institute of Chartered Accountant of India was in disagreement with the *prima facie* opinion of the Director, the reasons for the same must have been assigned.

3. The submissions made by the learned counsel for the petitioner are strongly opposed by the learned counsel who appears for the respondents. He submits that there was no fiduciary relationship between the petitioner and the Respondent No. 2, and therefore, there could be no misconduct on his part. He also submits that the petitioner holds a personal grudge against the Respondent No. 2 and has, therefore, filed a frivolous complaint against him.

4. The Court, however, finds that the *prima facie* opinion of the Director unequivocally records certain inconsistencies and deviations on the part of the private respondent. Learned counsel appearing for the private respondent is unable to refute the detailed findings made out in the *prima facie* opinion of the Director, including that the private respondent accessed the personal information of the petitioner without his consent. Learned counsel has submitted that the petitioner did not file income tax return for the FY 2014-15 & 2015-16 and he did not render any professional services to the

petitioner. He, therefore, submits that there is no reason to entertain the petitioner's complaint.

5. It, however, be noted that there is no reason, whatsoever, assigned in the impugned order/communication. It only states that the complaint relates to a family dispute. The Board should have given clear reasons as to why the opinion given by the Director is not acceptable. There is no such prohibition to entertain a complaint at the instance of spouse, if it discloses professional misconduct. The complaint must have been taken to its logical conclusion by assigning appropriate reasons which has not been done in the instant case. The only reason that the complaint relates to a family dispute cannot be countenanced, when the allegations are made against the Chartered Accountant for violation of statutory norms.

6. In view of the aforesaid, the impugned minutes of meeting dated 28.03.2018 and 29.03.2018 stand set aside. The matter is remitted back to the said authority for deciding afresh in accordance with law after affording opportunity of the hearing to all concerned.

7. The writ petition is disposed of in the aforesaid terms.

8. All rights and contentions are left open.

PURUSHAINDRA KUMAR KAURAV, J

MARCH 18, 2026/ar