

\$~58 & 64

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

+ W.P.(C) 1237/2020 & CM 4257/2020

(64) W.P.(C) 1261/2020 & CM 4380/2020

THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA

..... Petitioner

Through: Ms.Pooja Saigal, Mr.Akshay Gupta,
Mr.Amit Kr. Yadav and Ms.Shivangi
Malhotra, Advs.

versus

CA VINOD GUPTA AND ORS.

..... Respondents

CA JUDEEP GUPTA AND ORS.

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

%

03.02.2020

These petitions have been filed challenging the order dated 06.01.2018 passed by the Appellate Authority under the Chartered Accountant Act, 1949 in Appeal no.09/ICAI/2017 (in WP(C) 1237/2020) and Appeal No.10/ICAI/2017 (in WP(C) 1261/2020) remanding the matter back to the Disciplinary Authority of the ICAI to consider the case afresh in light of the Settlement Agreement having been arrived at between the cross complainants, that is the respondent nos.1 and 3.

The learned counsel for the petitioner submits that the Appellate Authority, having otherwise found no infirmity in the order passed by the Board of Discipline of the ICAI, could not have remanded the matter back

only because a compromise had been arrived at between the two warring parties.

In the peculiar facts of the present case, I am not inclined to interfere with the Impugned Order(s) as the complaint against the parties was not regarding misconduct in their professional capacity. However, it shall not be considered as a precedent in the future cases.

The petitions are disposed of in the above terms, with no order as to cost.

Dasti.

NAVIN CHAWLA, J

FEBRUARY 03, 2020/Arya