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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6264/2020**
NIRANJAN MISHRA

..... Petitioner
Through: Mr.Krishnendu Dutta & Mr.Rahul
Malhotra, Advs.

versus

THE INSTITUTE OF COST ACCOUNTANTS OF INDIA & ORS.

..... Respondents
Through: Mr.Rajiv Dutta, Sr. Adv. with
Mr.Bhaskar Bhardwaj, Adv. for R-1,
R-2 & R-4.
Mr.Piyush Sharma, Adv. for R-3.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
% **11.09.2020**

This petition has been heard through physical hearing.

CM APPL. 22366/2020 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 6264/2020 & CM APPL. 22365/2020

1. The learned counsel for the petitioner confines his prayer only to the grant of extension of time to reply to the Notice dated 21.08.2020, which has been refused by the respondent no. 4 by its e-mail dated 08.09.2020.
2. The petitioner asserts that the complaint against the petitioner is in relation to the election of the Council of the respondent no. 1, which were held on 28.06.2019. The complaint was filed by the respondent no. 3 only on 02.03.2020. The *prima facie* opinion formed of such complaint was

communicated to the petitioner by an e-mail dated 21.08.2020. The petitioner asserts that due to various reasons, he was not able to submit his reply within the time granted by the e-mail and therefore, requested for extension of time, which has been refused by the impugned e-mail dated 08.09.2020 of the respondent no. 4.

3. Referring to the Sub-Rule 3 of Rule 14 of The Cost and Works Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007 (hereinafter referred to as “Rules”), the learned counsel for the petitioner submits that the Board of Discipline has the power to grant additional time for submission of the reply to the show cause notice. He further submits that the period of 45 days for the grant of hearing is not sacrosanct inasmuch as the same has to be “ordinarily” complied. In any case, the 45 days period would end only on 06.10.2020 and therefore, there was no reason to deny the request of the petitioner for extension of time to file reply to the notice.

4. The learned senior counsel for the respondent nos. 1, 2 and 4 and the learned counsel for the respondent no. 3, who appears on advance notice, vehemently oppose the prayer made on the ground that there are serious allegations made against the petitioner and in any case, the petitioner has not been able to make out a case for grant of extension of time.

5. I have considered the submissions made by the learned counsels for the parties. In the peculiar facts of the present case and taking note of the fact that the complaint against the petitioner is in relation to the election held on 28.06.2019 and the complaint was filed only on 02.03.2020, I deem it proper to grant one week’s final extension to the petitioner to file his response to the e-mail dated 21.08.2020. Such response be filed on or before

18.09.2020.

6. The learned senior counsel for the respondent no. 1, 2 and 4 submits that the hearing in terms of Sub-Rule 6 of Rule 14 of the Rules shall be granted to the petitioner on 18.09.2020 at 2:00 p.m.

7. It is ordered accordingly. No further notice in this regard would be given to the petitioner.

8. I may also note that the learned counsel for the respondent no. 3 submits that the respondent no. 3 would not wish to file any response to the reply that may be filed by the petitioner to the notice dated 21.08.2020 and submits that the hearing may take place on 18.09.2020 as suggested by the learned senior counsel for the respondent no. 1, 2 and 4.

9. The petition is disposed of with the above direction.

10. A copy of this order be supplied to the learned counsels for the parties by way of an e-mail.

NAVIN CHAWLA, J

SEPTEMBER 11, 2020/rv