



W.P.No.26943 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2024

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THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.26943 of 2024

and

WMP.No.29457 of 2024

Adv.(CA)V.Venkata Siva Kumar

...Petitioner

Vs.

1. Institute of Chartered Accountants of India,
ICAI Bhawan,
Rep. By its Secretary,
Post Box No.7100, Indraprasta Marg,
New Delhi – 110 001.

2. The Disciplinary Committee,
Institute of Chartered Accountants of India,
ICAI Bhawan,
Rep. By its Secretary,
Post Box No.7100, Indraprasta Marg,
New Delhi – 110 001.

3. N.S.Srinivasan

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the 418th Meeting of Council order of Council date 07.02.2023 on the file of 1st respondent and quash the same as manifestly arbitrary, malafide exercise of judicial power and violation of Article 19(1)g and Article 21 of our Constitution.



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For Petitioner : Mr.V.Venkata Sivakumar (P-I-P)

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ORDER

This Writ petition has been filed seeking quashment of the 418th Meeting of Council order of Council date 07.02.2023 on the file of 1st respondent

2. Since no adverse order is being passed against the respondents, notice to the respondents is dispensed with.

3. The case of the petitioner is that, he is a member of the 1st respondent. While so, one N.S.Srinivasan / the 3rd respondent herein filed a disciplinary complaint against the petitioner alleging that, the petitioner published several articles which were against one R.Bupathy, the then President and pursuant to which, the 1st respondent initiated disciplinary proceedings under Section 21 of the Chartered Accountants Act (in short 'the said Act') and the 1st respondent, vide its order dated 27.08.2010 found the petitioner guilty of Professional Misconduct. Challenging the same, the



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petitioner filed W.P.No.24647 of 2010 and this Court, vide order dated 12.12.2022, disposed of the said writ petition with a direction to the petitioner to appear before the council of the 1st respondent. Pursuant to the same, the petitioner appeared before the council on 07.02.2023, however, the council found the petitioner guilty of professional misconduct and reprimanded him, vide impugned order dated 07.02.2023. Hence, the petitioner has come up with this writ petition.

4. Heard the petitioner/Party in person and perused the materials available on record.

5. Though very many grounds have been raised by the petitioner against the impugned order, a perusal of the material documents placed on record reveals that, as against the impugned order passed by the 1st respondent, there is an effective appeal remedy available under Section 22A of the Chartered Accountants Act and without exhausting the said remedy, filing the present Writ petition is not sustainable.

6. In such view of the matter, this Court, while dismissing this Writ



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petition, without interfering with the order impugned and without expressing any opinion on the merits of the case, grants liberty to the petitioner to file appropriate appeal before the appellate authority as provided under section 22A of the Chartered Accountants Act. Upon filing of such appeal, the appellate authority shall consider the same on merits and in accordance with law and pass appropriate order within a period of eight weeks from the date of filing of such appeal, after affording an opportunity of hearing to the petitioner and aggrieved persons, if any.

7. Accordingly, this Writ petition stands dismissed with the aforestated liberty. No costs. Consequently, the connected Miscellaneous petition is closed.

18.09.2024

skt

NCC	: Yes/ No
Speaking Order	: Yes/ No
Index	: Yes/ No



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To

1. The Secretary,
Institute of Chartered Accountants of India,
ICAI Bhawan,
Post Box No.7100, Indraprasta Marg,
New Delhi – 110 001.
2. The Secretary,
Disciplinary Committee,
Institute of Chartered Accountants of India,
ICAI Bhawan,
Post Box No.7100, Indraprasta Marg,
New Delhi – 110 001.



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M.DHANDAPANI, J.

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