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

+ **W.P.(C) 9104/2024**

JAGVINDER BIR SINGH

.....Petitioner

Through: Mr. Upinder Singh and Mr. Raman Pal
Singh Khalsa, Advocates.

versus

**DISCIPLINARY COMMITTEE BENCH IV INSTITUTE OF
CHARTERED ACCOUNTANTS OF INDIA, THROUGH ITS
PRESIDENT AND ANR.**

.....Respondents

Through: Mr. Abhinav Tyagi, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **08.07.2024**

CM APPL. 37265/2024(seeking exemption)

1. Exemption is granted, subject to all just exceptions.
2. The Petitioner shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Accordingly, the application stands disposed of.

W.P.(C) 9104/2024 and CM APPL. 37264/2024(seeking stay)

4. The present petition seeks to quash and stay the operation of the Penalty Order dated 17th May, 2024² and the Findings Order dated 05th February, 2024³ passed by the Disciplinary Committee of the Institute of Chartered Accountants of India,⁴ as well as the publication giving effect to

² "Impugned Penalty Order"

³ collectively, "Impugned Orders"

⁴ "ICAI"



the punishment in the Official Gazette dated 28th June, 2024.

5. Counsel for Respondent No. 1, who has appeared on advance notice, states that the Impugned Orders are amenable to appellate scrutiny. He does not deny that currently, the office of the Chairperson of the Appellate Authority, ICAI is lying vacant. It is also pointed out that the appointment for the said vacancy has to be done by the Ministry of Corporate Affairs.

6. He further explains that effect to the Impugned Penalty Order can only be given by Respondent No. 1 and he has instructions to state that, till the stay application in appeal filed by the Petitioner is heard, the Impugned Penalty Order shall not be implemented.

7. Considering the fact that several writ petitions are being filed before this Court in view of the vacancy as mentioned above, a copy of this order be sent to the concerned Ministry with a direction to expedite the process for the appointment of Chairperson of Appellate Authority, ICAI.

8. The present petition is disposed of with the directions that till the preliminary hearing of appeal filed by the Petitioner, the Impugned Penalty Order dated 17th May, 2024 and the consequential Gazette notification dated 28th June, 2024 shall be kept in abeyance.

9. Disposed of, along with pending applications.

SANJEEV NARULA, J

JULY 8, 2024

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