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

+ **W.P.(C) 9545/2024 & CM APPL. 39113/2024**

SHRAWAN BHAGWATI JALAN & ANR.Petitioners

Through: Mr. Sanjeev Sindhvani, Senior
Advocate with Mr. V. P. Singh, Mr.
Kamal Shankar and Mr. Arjun
Narang, Advocates.

versus

**DISCIPLINARY COMMITTEE BENCH II THE INSTITUTE OF
CHARTERED ACCOUNTANTS OF INDIA & ANR.**

.....Respondents

Through: Ms. Pooja M. Saigal, Ms. Kaveri
Rawal and Mr. Jatin Dua, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

15.07.2024

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1. Petitioners have approached this Court invoking its extraordinary jurisdiction under Article 226 of the Constitution of India, 1950 for quashing of a penalty order dated 11th July, 2024 read along with the order of findings dated 7th February, 2024¹. The said Impugned Orders were passed by Respondent No. 1, under Section 21B (3) of the Chartered Accountants Act, 1949², in terms of the disciplinary proceedings bearing no. PR/281/2013-DD/273/2013-DC/437/2016.

2. Amongst the several grounds urged by Petitioner, it is argued that the

¹ "Impugned Orders"

² "CA Act"



Impugned Orders are arbitrary and in clear violation of principles of natural justice.

3. It is not in dispute that Petitioner has the statutory right of appeal against the Impugned Orders under Section 22G of the CA Act, however, presently, on account of vacancy in the office of Chairperson of ICAI, the appellate remedy is not available to Petitioner.

4. In light of the above, Mr. Sanjeev Sindhvani, Senior Counsel for Petitioner, states that the Petitioner shall be filing the said appeal under Section 22G of the CA Act, within the statutory time period, however, till such time the appeal remedy is made effective and the appeal, that the Petitioner intends to file, is heard, the Impugned Orders should not be given effect to.

5. In this regard, it is pointed out this Court as well as the Coordinate Bench have, in several other decisions, granted such reliefs.

6. In view of the foregoing, it is directed that till the preliminary hearing of the appeal (propose to be filed), the Impugned Orders, being the penalty order dated 11th July, 2024 and the findings order dated 7th February, 2024, shall be kept in abeyance.

7. Consequently, Respondents are directed not to issue a gazette notification in terms of the aforementioned Impugned orders till the preliminary hearing of the said appeal, to be filed by the Petitioners.

8. Before parting, we must deal with another important aspect highlighted by Mr. Sindhvani. He requests that the aforementioned Impugned Orders should not be published on Respondents website considering that this Court is directing the said Impugned orders to be kept in abeyance. However, after some submissions, Mr. Sindhvani submits that in case such



an order is to be published on the website, then the Respondents must also publish the instant order passed by this Court whereby the Impugned Orders have been kept in abeyance.

9. In light of the, above it is directed that if the Respondents were to upload the Impugned Order on their website, they must also publish the instant order whereby the Impugned Orders have been directed to be kept in abeyance.

10. With the above directions, the present writ petition is disposed of.

11. It is made clear that this Court has not expressed any opinion on the merits of the case. All rights and contentions of the parties are left open.

SANJEEV NARULA, J

JULY 15, 2024

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