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

+ LPA 993/2024 & C.M.Nos.58446-58448/2024

SURAJIT BHOWMICK

.....Appellant

Through: Mr.S.P.Mukherjee with Mr.Kustubh
Singh and Mr.T.S. Sundaram,
Advocates.

versus

**INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA &
ANR.**

.....Respondents

Through: Mr.Ravinder Agarwal with Mr.Lekh
Raj Singh, Advocates for ICAI.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

04.10.2024

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1. Present appeal has been filed challenging the judgement dated 10th July, 2024 passed by the learned Single Judge in W.P.(C) 9286/2024. The appellant (petitioner therein) had filed the underlying writ petition challenging the orders dated 8th February, 2024 and 26th June, 2024 passed by the Disciplinary Committee of the respondent no.1 – the Institute of Chartered Accountants of India (“ICAI”) wherein the appellant was found guilty of professional and other misconduct under the Chartered Accountants Act, 1949 (“Act”) and it was directed that his name be removed from the Register of Members for a period of one month and a fine of Rs.25,000/- was imposed.



2. Learned counsel for the appellant states that subsequent to passing of the impugned order, the appellant has filed a statutory appeal dated 23rd September, 2024 before the Appellate Authority.

3. He emphasizes that when the underlying writ petition had been filed, as on that date, the Appellate Authority had not been constituted. He contends that the jurisdiction of the Appellate Authority is much wider than that of the writ jurisdiction.

4. Issue notice. Mr.Ravinder Agarwal, Advocate accepts notice on behalf of the respondents.

5. Keeping in view the fact that the Appellate Authority was not constituted on the date when the writ petition was filed as well as the fact that the learned Single Judge has dismissed the writ petition primarily on the ground that none of the grounds urged by the petitioner (therein) calls for interference in extraordinary writ jurisdiction under Article 226 of the Constitution of India, this Court disposes of the present appeal along with the applications giving liberty to the appellant to urge all his grounds, contentions and submissions before the Appellate Authority. The Appellate Authority is directed to decide the matter without being influenced by any observation made by the learned Single Judge.

CHIEF JUSTICE

TUSHAR RAO GEDELA, J

OCTOBER 4, 2024
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