



The Institute of Cost Accountants of India

Board of Discipline u/s 21A of The Cost Accountants Act, 1959

Final order number: ICMAI/BOD/2025/11

Complaint number	Com-21/CA(130)/2024
In the matter of	Shri Vijay Dhiman [Complainant] Vs CMA Navneet Kumar Jain(M/17133) [Respondent]
Date of Hearing	As per records and order sheet
Date of order	07.10.2025

Brief of the Case:-

1. The Disciplinary Directorate is in receipt of a complaint in Form I dated 5th March 2024 (received by Disciplinary Directorate on 11th March 2024) in triplicate together with the prescribed complaint fee of Rs 2950/- (inclusive of GST) from Shri Vijay Dhiman (hereinafter referred to as the "complainant"), against CMA Navneet Kumar Jain (hereinafter referred to as the "respondent") bearing membership number 17133, containing certain allegations against the respondent falling under various provisions of the Cost and Works Accountants Act, 1959.
2. The complaint consists of 08 page. Allegations are reproduced below:
 - (i) Mr. Navneet Kumar Jain entered into an agreement with the complainant, to share his professional fees, in the Audit and Insurance Survey business. [Violation of Clause 2, Part I of the First Schedule]. (Page No 4, Annexure "A").
 - (ii) Mr. Jain has entered into an agreement with the complainant, to procure/ solicits Audit and Insurance Survey work for him [Violations under Clause 4, Clause 5 and Clause 6, Part I of the First Schedule]. (Page No 5 to 7, Annexure "A").
 - (iii) While entering into this agreement with the complainant, Mr. Jain informed that as on that day, he does not had the necessary approvals from the Institute to carry on the Insurance Survey work i.e. engaged in the business or occupation other than the





profession of Cost Accounting. [Violation of Clause 10, Part I of the First Schedule)
(List of relevant IRDA Insurance Surveyors on Page No 8, Annexure "B").

(iv) While undertaking any Insurance Survey work, or signing reports/ documents. Mr. Jain used to write his designation as an "Insurance Surveyor & Loss Assessor", SLA #63302, and not as a "Cost Accountant". [Violation of Section 7 of the ICWA Act, 1959]

(v) "Other Misconducts":

a) About 2 decades ago, Mr. Jain has taken a financial support of Rs. 18.500/- from the undersigned. Despite, continuous follow-ups, he did not returned the money.

b) Mr. Jain is running 5 Cost Accounting Firms, from his above said residence. For a layman, ultimate motto of having so many Firms, does not amount to Tax Evasion? in the past, we never heard, a Council Member running so many firms from his residence.

[Not sure, but such acts looks will fall under Violation of Section 22 of ICWA Act, 1959].

3. In support of the above mentioned allegations, the complainant has submitted the following two documents:

(i) Copy of the agreement between Mr. Bijay Dhiman And CMA Navneet Kumar Jain executed on 06th April, 2004.

(ii) Extract of individual survey list on 24th April, 2012 (not authenticated).

4. The above complaint was scrutinized and was registered in terms of Rule 5 of the Cost and Works Accountants (Procedure of Investigation of Professional and Other Misconduct and Conduct of Cases) Rules, 2007 and the same was proceeded with in the manner as prescribed in Chapter III of the Rules and was registered by the Disciplinary Directorate by giving a unique number, **Complaint No. Com/21-CA(130)/2024**.

5. The complaint dated 5th March, 2024, was duly forwarded to the respondent vide letter No. G/DD/Com-CA(130)/(M/17133)/01/03/2024 dated 22nd March 2024 requesting the respondent to file written submission within 21 days from the date of service of the said letter.





6. The respondent, vide letter dated 1st April 2024 has submitted his defense submission of 2 pages, in which:

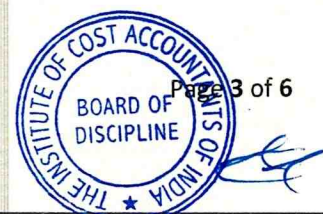
- (i) The respondent submitted that the complainant's name in Form I (Vijay Dhiman), is different from the one which has been mentioned in agreement as legit/alleged proof.
- (ii) The respondent submitted that the complaint has been filed more than 7 years after it is alleged to have been committed, plus it is difficult to get all the evidences in my support. The document attached with the complaint is 20 years old. Hence the case is time barred as per the rule 12 of the Cost and Works Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007.
- (iii) In regards to the providing financial support, no RUD has been provided.
- (iv) In regards to tax submission, the respondent submitted that no proof has been provided.

In view of the above the respondent requested to drop the proceeding as per the same under rule 12 (time barred) of the Cost and Works Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007.

7. The defence submission dated 1st April 2024 was forwarded to the complainant under the cover of letter No. G/DD/Com-CA(130)/02/04/2024 dated 15th April 2024 for his rejoinder in terms of sub-rule (4) of Rule 8 of the Cost and Works Accountants (Procedure of Investigation of Professional and Other Misconduct and Conduct of Cases) Rules, 2007.

8. The Complainant submitted his undated rejoinder through speed post on 06th May, 2024 wherein the complainant submitted as following:

- (i) In regards to different name, complainant submitted that in the Eastern part of our country, while pronouncing the name "Bijay", more emphasis is given on the alphabet "B". Whereas, in the Northern part, the same word "Bijay", is starts with "V" and written as "Vijay". I born and brought up in Rourkela, Odisha. Therefore, in the school records, my name was written as "Bijay". But, after I shifted to Northern part of the country [Punjab], accordingly, I changed





writing my name from "Bijay" to "Vijay". Due Legal process has already been followed, while name is being changed.

- (ii) In regards to time limit on entertaining the complaint, the complainant submitted that the proceedings of the complaint shall be carried forward on basis of merits and not on the basis of time barred.
- (iii) In regards to financial support which respondent took from him, complainant submitted that the respondent has only return Rs. 11,000/- vide cheque and Rs. 18,500/- is still not returned by him.
- (iv) In regards to tax submission, complainant submitted that the Institute's "List of Members" itself shows that Respondent is running 5 different Firms, from his 2 different residential houses.

9. Comments of the Disciplinary Directorate

- a) For the Sake of clarity, the provision contained in Rule 12 of the Cost and Works Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007 has been reproduced herebelow:

Quote:

Where the Director is satisfied that there would be difficulty in securing proper evidence of the alleged misconduct, or that the member or firm against whom the information has been received or the complaint has been filed, would find it difficult to lead evidence to defend himself or itself. as the case may be, on account of the time lag, or that changes have taken place rendering the inquiry procedurally inconvenient or difficult, he may refuse to entertain a complaint or information in respect of any misconduct made more than seven years after the same was alleged to have been committed and submit the same to the Board of Discipline for taking decision on it under sub-section (4) of section 21A of the Act.

Unquote

- b) From the perusal of Rule 12 of the Cost and Works Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007, it is observed that complaints relating to misconduct alleged to have been committed more than seven years prior cannot be entertained. This is to ensure procedural fairness and the availability of proper evidence for a just inquiry.
- c) It is observed that:





- The primary allegations relate to an agreement dated 06.04.2004.
 - The supporting documents are nearly 20 years old.
 - Alleged financial transactions also pertain to 2004.
 - The complaint was filed only on 05.03.2024.
- d) The respondent has contended that, due to the efflux of such a long period, it is practically impossible for him to procure evidence necessary for his defence. There appears to be prima facie merit in the respondent's submission that obtaining evidence pertaining to an event that occurred nearly 20 years ago would be difficult.
- e) It is well settled position of law that *Vigilantibus non dormientibus jura subveniunt* (the law assists the vigilant, not those who sleep on their rights). Delay defeats equity; A complainant who has remained dormant for 20 years cannot be permitted to invoke disciplinary jurisdiction at such a belated stage.
- f) Accordingly, the complaint dated 05th March, 2024, filed after a lapse of 20 years, is clearly barred by limitation under Rule 12 of the Cost and Works Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007.

10. Findings and order of Board of Discipline

- a) The Board has carefully considered the complaint, written statement, rejoinder, and the comments of the Disciplinary Directorate.
- b) The Board notes that the allegations relate to events of 2004, supported by documents nearly 20 years old. The complaint filed in March 2024 is, therefore, squarely hit by Rule 12 of the Cost and Works Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007.
- c) In terms of the maxim "*Dormientibus non succurrit jus; ideo querela intempestiva recipi non potest*" the law does not aid those who sleep; hence, an untimely complaint cannot be entertained, the Board holds that the present complaint is barred by limitation.
- d) Consequently, without examining the merits of the allegations, the complaint is





rejected and ordered to be closed in accordance with Rule 9(3)(a) of the Rules.

e) The matter stands disposed of accordingly.

A.P. Datta
CMA (Dr.) Ashish Thatte,

(Member)

[Signature]
Shri P.K. Pujari, IAS (Retd)

(Presiding Officer)

Place: New Delhi

Date: 07.10.2025

Distribution under Rule 15(3) of the Rule

- 1) Director(Discipline), Institute of Cost Accountant of India
- 2) Complainant, Shri Vijay Dhiman
- 3) Respondent, CMA Navneet Kumar Jain (M/17133)

