



# THE INSTITUTE OF COST ACCOUNTANTS OF INDIA

(Statutory Body under an Act of Parliament)  
CMA Bhawan, 3 Institutional Area,  
Lodhi Road, New Delhi-110003

Phone : +91-11-24622156-57-58  
Website : www.icmai.in

## The Board of Discipline u/s 21A The Institute of Cost Accountants of India

Complaint No. Com/21-CA(72)/2019

CMA JyotiVerma (M/27611) -----Complainant

Pawan Kumar Verma (13570)----- Respondent

### ORDER

Dated 06/07/2020

1. CMA Jyoti Verma filed a complaint dated 22<sup>nd</sup> May, 2019 against CMA Pawan Kumar Verma (M/13570) in Form I along with requisite fee which was registered vide Complaint No.Com/21-CA (72)/2019.
2. The complaint was made on the following ground:
  - Second Marriage
  - Harrasement
  - Fraud with First Wife
  - Misleading of funds
3. The respondent was intimated vide letter dated 27<sup>th</sup> May, 2019 to send response to the complaint through a written statement in his defence within 21 days from the date of service of the letter.
4. The respondent vide his letter dated 31<sup>st</sup> July, 2019 denied the allegations made against him and stated inter alia as below:-

At the outset, it is submitted that my wife CMA JyotiVerma, has given a false and vague complaint without giving any details of the allegations levelled therein in Form-I. I vehemently deny all allegations levelled against me by the complainant.

#### **1. Second-Marriage:**

It is wrong and vehemently denied that I have solemnized any second marriage. There has been no second marriage with any lady as claimed in the complaint by the complainant. **The complainant should have produced a copy of valid proof which are admissible under law - "marriage registration**



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certificate" etc, in support of her allegation before filing this complaint. Hence, the second marriage allegation is totally denied.

## 2. Harassment:

It is also wrong and vehemently denied that I have caused any harassment to my wife Jyoti Verma. I deny of any harassment that may have been inflicted on the complainant.

The wordings of the complaint letter where the complainant herself mentions that "I am married with CMA Pawan Kumar Verma.....25 years ago....." is worth noting. Your good office may kindly appreciate that 25 years is a very long period of time and if she, i.e., the complainant has not complained of harassment in the last two and a half decades, her sudden complaint now and that too before your good office only smack of malice and malevolence. The fact of the matter is that there has actually been no harassment at all. This can be judged from the fact that had there been any harassment, the same would have been clearly elaborated in the complaint stating its type and nature. Nothing of that sort is mentioned in the complaint. It is also pertinent to note that the complainant has not been able to cite any instance or provide proof of any harassment caused to her,

## 3. Fraud with 1st wife:

It is also wrong and vehemently denied that I have committed any fraud with my wife Jyoti Verma. The complainant has not been able to produce any proof of fraud made by me to the complainant.

## 4. Misleading of funds:

It is also wrong and vehemently denied that I have committed any misleading of funds. Rather she is in-charge of branch office of the firm's in which she and I am partner. She herself is handling the affairs of branch office including maintenance of firm's books of accounts, all records including banking and cash transactions as well as its cash custody.

Further, about the photograph attached with the Form-I as evidence adducted in support of allegation(s) made against me by the complainant is merely a photocopy and in the law same is not admissible as evidence.

It is also wrong and vehemently denied that I am having any illegal daughter.

It is also pertinent to mention here that the complainant Jyoti Verma has not given any details of the above said allegations levelled in Form-I, or evidence / proof thereof.

On the contrary, complainant herself has humiliated me, harassed me, and manipulated me on the behest of her maternal family. In this regards.

It is pertinent to mention here that in the year 2012 & 2013 my father-in-law. Sh. Puran Chand Verma, was hospitalized due to serious ailment and at that time my brother-in-law namely Anoop Verma had





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taken a friendly loan of approximate Rs. 8 Lakhs which was given to him in instalments through bank transactions and in cash by me and my wife Jyoti Verma for medical treatment expenses of my father-in-law. Now on 14 April, 2019, I had demanded back my above said amount of approximate Rs. 8 Lakhs from above said Anoop Verma through "WhatsApp message". In response, he, not only denied the repayment of loan but also provoked my wife Jyoti Verma against me due to which my wife Jyoti Verma got annoyed with me and again started harassing me, and has given the present complaint number COM/21-CA(72)/2019 to you by making false and frivolous allegations,

Further to inform that, in order to harass me and torture me, after filing false complaint to yourself, she has filed a complaint to bankers of the firm requesting them to close the bank account of the firm in which both of us are partner. Now the bank account of the firm as on date is freezed, no transactions are allowed by the bank, due to which I am forced to meet all expenses of the firm as well as its government payments from my own account.

Further, to bring to your kind notice that the copy of the typed complaint dated 22.05.2019 addressed to the President of The Institute of Cost Accountants of India, is not signed by the complainant Jyoti Verma, and therefore, it has no legal value and hence needs no reply. I, hereby, very humbly urge the disciplinary directorate to arrange and provide me the signed copy of the same letter in question. Till then I shall kept my right reserve, to reply this letter in future as the circumstances prevails hereinafter.

To conclude, let me state that the above complaint made by CMA Jyoti Verma is false, bogus, concocted and utterly baseless. This act of demanding chastisement against me by complainant, tantamount to my character assassination. This seems to be the ultimate desire of the complainant to prove me draggletail by hook or crook. This can be gauged from the fact that through Form - I, she has only put the allegations on me but fails to provide any conclusive admissible evidence as required under applicable law.

The complainant has also not mentioned under which clause of which Schedule (i.e.. First [Sections 21(3), 21A (3) and 22] or Second Schedule [Sections 21(3), 21B (3) and 22] of the Cost and Works Accountants Act, 1959, the offence complained falls.

It may kindly be noted that as per Section 22 of the Cost and Works Accountants Act, 1959, in order to be "professional or other misconduct", the act or omission should fall into any of the above two schedules. The complainant has not mentioned any of the schedules where the offence (which is denied completely) falls.

## Prayer:

In the light of what has been stated above, I therefore, pray before your good self:

1. To set aside the complaint on the ground that the complaint is false, frivolous, vexatious and being devoid of any merits.
2. To instruct the complainant to get the bank account of firm resumed for operation.



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3. Reprimand the complainant for lodging a false complaint with a view to satisfying her ulterior motive and thereby wasting the valuable time of the Disciplinary Directorate.

5. The written statement of the respondent was sent to the complainant vide letter dated 08/08/2019 for sending rejoinder on the same.

6. In rejoinder dated 28/08/2019 Shri CMA Jyoti Verma, had submitted on the written statement

"This is in response to reference mentioned above, based on my complaint filed against CMA Pawan Kumar Verma (M-13570), I have been requested to send rejoinder on the written statement within 21 days from the date of service of letter against the remarks made by the respondent in view of earlier complaint made in Form-I.

Response against the remarks claimed by CMA Pawan Kumar Verma (here in as Respondent):

- ❖ In the very opening para, mentioning of illusionary fact by the respondent that the complainant (Jyoti Verma) had not signed the application is nothing but an act to astray the proceedings in its entirely clearly shows the malicious intention of respondent
- ❖ Further now I am elaborating various allegations made against the respondent in its original order as file in Form-I, being my written statement as reply in response to reference stated above:-

## 1) Second Marriage: -

As I being the victim of an awful committed by respondent (my husband), being the desire of the hour I am enclosing with this letter LIC Policy (herein as the Proof) that hold its legal value own its own as it has name of both the parties engraved on it along with their marital status & their correspondence address under the official seal of the department.

As LIC being well known govt. corporation and hold legal validity of its documents as made after duly submitted documents and at willingness of the party entering the same.

Hence, as the document solely stated that the Policy Holder "Nidhi" is W/o CMA Pawan Kumar Verma (The respondent) and further the nominee section of policy also clearly mention the name of the respondent and on their immediate right the word used "HUSBAND" against his name is sufficient ground to proof that he is guilty of an act of bigamy and had committed second illegal marriage, mentioning the date of the policy on extreme down side being 27-April-2011 also shows his recurring cruel nature that he being culprit since 2011 had been defrauding me since 9 years now. Official Seal of the company being engraved on the policy and also signed by the then officer held it have its Legal Value as well.

This address mentioned on the proof can also be verified from the Institute's website being the address of the office of respondent & his Firm name i.e. "2nd Floor Bajaj building upstairs doctor bowery clinic" & "Pawan & Associates."

Further, as this proof held its legal value it also arose legal binding against respondent being offender, same arose call for bigamy a non-bailable offence, held bring a massive disrepute to the profession as well in coming future and portrays wrong image of institute as well in the outskirts of town.

b) Harassment:





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As respondent also denied the allegation imposed on him via this para in his reply is nothing but a crystal instance that he being self-guilty finding ways to awry the proceedings.

Quoting the same lines of the complainant letter and trying to prove his good is nothing but that's the pot calling the kettle black.

Harassment is nothing that happens overnight; it is a continue attempt of someone to distort either mentally, physically, economically or in some other way. It is not simply that one slap and other shout.

Further, instances of harassment being caused by the respondent against me are elaborated hereunder:-

- Mentioned in para (a) is a clear instance that respondent being indulged willfully in a sinful act since last years is a fatal emotional harassment in its entirety that one can imposed to."
- Alter Respondents successful escaped from Jalandhar city the number of persons to whom he owed money use to came to my place for demanding their long dues amounting approx. One lac fifty thousand INR towards the respondent. The water crossed sea level that moment when in any absence the mob put locked on my house and insult in the whole area also clearly invoke the social harassment committed against me by the respondent.
- My recourse and valid evidence in this respect is the Police Complaint that I lodged against the same shameful act in. DCP office situated in my hometown bearing complaint no. 1841-1DCP who helped me in opening the lock & made me enter my premises, copy of complaint is also enclosed with this letter.
- Another being the Loan that the respondent took from die for his heart surgery amounting rupees six lac rupees INR. The loan was taken from M/s Bajaj Finance Limited in my name by the respondent by promising me that he will re-pay all the installments, later proves to be his trap against me to put me under strong financial crunch & harassing me both economically and mentally.'
- As not only after disbursement or loan in my account he ..... our joint account and from there used by him for his own sole malicious purpose, being nothing but a way of channelizing the available resources and put me in the liability portion. As alter some initial repayment of' EMI's put an end to the same by telling the Bajaj officials that he didn't know me and that I'll be sole responsible for the Loan & its repayment, aware of same that I don't earn anything and have no resources to repay the same.

Further, as currently the respondent (being Husband) is not paying me anything since last one and half year and" now my survival has become almost impossible on economic grounds I also the Legal Case against him for compensation and his cruel acts bearing CNR Number:-HRFT81-001114-2019 and also lodged a Police Complaint in the Zirakpur Police Station. (Copy of same enclosed herewith).

Also M/s Bajaj Finance Limited has also invoked the Arbitration & conciliation proceedings via their letter dated 03-August-2019 against me and the respondent on account of default in EMI's being parties to loan as Borrower & Co-Borrower, letters also enclosed with this for your reference.

Above statement is transparent enough to measure the harassment caused to me by respondent on emotional, emotional and economical grounds.

Hence; concluding this ground of allegation stating some of the instances that harass me clearly prove the merit that vehemently decline of respondent in this para by way of his reply letter dated 31-July-2019 is nothing but continue attempt to show blocked roads.



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## **c) Fraud with 1st Wife:**

Grounds mention in para (a) & (b) are clear indication of fraud that has been committed by the respondent.

Further, fraud is willful act to deceive other for personal gains and the respondent's act of arranging for finance on my name & letting me responsible can be interpreted as fraud as well.

Act of marrying other lady is also a fraud.

Hence, this ground has already been elaborated with para (a) & (b) and respondent's statement of declining the same is further an act of willful Mis-statement quoted in his reply and trying to escape from his wrong done.

## **d) Misleading of Funds:**

Vehemently declining the same again by the respondent pretends like a leopard can't change its spots. Mentioning that I being managing & engaged in this branch office is nothing more than an illusory statement of the respondent.

In fact the respondent being my husband has all the access to my net banking rights, ATM access, GST login details and Income Tax credentials etc. as it normally used to be in your partners hand.

Further, to prove the allegation against him and his sinful fact I would like to add few instance:

Respondent's act of using my bank account credentials and posting entries into my account is also a ground to be covered under this allegation as sooner I came to know that he is making wrong use of credentials I requested bank to cancel my net banking rights and freeze the joint account with the respondent as I don't have any access to the same and he left me in isolation. Further, on account of closing the same as this put full stop towards the respondent's malicious intention is also one of the ground why he refused to pay further in EMI of Bajaj Finance's Borrowing as enumerated in para (b) above. .

On interacting with bank manager came to know that the contact number registered with my account is also of the respondent as a result of which I never receive any intimation of the OTP's, entries floated to my account.

Hence, the above instance clearly illustrate the fact that how the respondents viciousness made emotional Fool of mine good faith and he is misusing the funds own its own also prove him guilty under this ground.

## **Proof Earlier Attached as Evidence**

- Further, proof earlier attached by me against respondent a photograph of him with his illegal daughter also held its legal value in law as per Section 61, 63 of Evidence Act. In addendum even copies from original are held as Valid evidence Under Section 65 clause (a) & (C) of Evidence Act thus mere denial and non-awareness can't justify the respondent's wrong done.
- In addendum to as stated above as per "Silent Theory" also prove that Photographic evidence is also worth admissible as evidence under court of law as is speaks for itself.





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## Illegal Daughter.

The Denial by the respondent that he has an illegal daughter from his second illegal marriage is merely a caution act on his part as he denies allegation imposed by para (a), else irony would have made him culprit.

In reality the allegation imposed holds good as mentioned in para (a) 9 years is long span of time for any marriage to be in existence, surely existing because of having someone to surround their living. Further the photo earlier presented is the full family photo of the respondent and as elaborated above as it is legally admissible proof. Hence, pray to director discipline to admit the same as proof.

Further as came to known from the sources the daughter is currently admitted in "Hallmark Public School, Sector -15 Panchkula Haryana" named there by as "Pushpanjali". This can be confirmed from the school as school denied us from giving public information. Further on refusal from school RTI submitted to the "UT Chandigarh School Education" has also been declined by the department being non sharing clause of public information. (Copy enclosed)

Hence, hereby, Urge to the director discipline to judge this allegation on the basis of respondent's malicious intent and at claimants morality & natural justice grounds.

## Contrary Claim of Respondent

Being self-obsessed respondent's claim that I myself humiliated him by initiating the proceedings against him in the institute is nothing but an aghast and vague in its entirety. Elaborating the incidence, if any of 2012-13 is merely a disrespectful and pity act on his part. Pulling the third party in the case shows clear intention of the respondent to manipulate the proceedings and took the same away from the real allegations imposed against him via Form-I.

Further, it's his personal issue with other person that has nothing to do with the complaint. Nothing mentioned in Form-I pretend to be excelling the matter enumerated by the respondent. So request the discipline director to keep aside the other party issues, had it been otherwise valid must be supported by the respondent at least by some bank statement as well, as respondent is very keen & intelligent in asking the claimant any proof he himself forget to annexed anything as proof also shows the statement is made in very haste manner.

Hence, it should not be tenable as solely related to act between respondent & other party. Claimed by respondent that it amounts to humiliation & harassment is merely a matter of wrong interpretation on his part.

## Assistance required from Director Discipline:

Also, urge to director discipline to provide your assistance by collecting the admission form and child documents as submitted to the school at the time of her admission to the above mentioned school by sending an authorized letter from the Institute directly to school as they can't deny to the Institute being professional body established under an act of Parliament.

So that respondent can be held guilty solely by this evidence as well and no evidence can be left unturned to arrive at a conclusive and fair decision.



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- Director Discipline, if possible, also demand from the respondent to submit the Original Photo ID proof of the lady and child he is living in Chandigarh to further prove the merit of proof submitted in para (a) above. As his mere denial, stating any illusionary fact, end up pointing him culprit for the illegal marriage.
- Further, as stated above Institute can own its own also make confirmation of police complaint lodged, pending inquiry, marked to SHO Zirakpur Police Station Near MC Office, Royal Estate, Gaushala Road, Preet Colony, Zirakpur, Punjab 140603 so that matter can be brought to the best of Institute's knowledge from external sources as well.
- Also, state forward inquiry from the Maya Garden City, Chandigarh - Ambala Highway, Zirakpur, Punjab (Mohali) -140604 can be made from the Society Members who will narrate his living there since 2015.

## Conclusions:-

Lastly, concluding my written statement of reply by mentioning that the allegations as mentioned in Form-I are all hold good value in their own self and fairly quoted by appropriate evidence wherever required and to best of my knowledge. Acts of respondent by being manipulative and malicious intention holder can be transparently demonstrated from his long list of false replies from his letter dated 31-July-2019.

Further, as enumerated from above evidences it can clearly be seen that his existence in renowned profession is nothing more than a curse to the whole fraternity as his wilful malicious act's not only invoke provisions established in Professional & Other Misconduct of Institute or Cost Accountants of India but also violates provisions of Other Laws:

- Hindu Marriage Act
- Domestic Violence Act
- Arbitration & Conciliation Act

In the rising time of profession when continue efforts being made by profession to include Cost Accountants under Various definitions of other laws. Such sinful cases will lead to bring disrepute to the profession & make people think adversely.

- Hence, Respondent malicious intentions, vehemently denying the allegations in his reply and making false statements to the Institute also held him liable for guilty Under Section 21(3), 21A(3) and 22 of First Schedule & Section 21(3), 21B(3) and 22 of Second Schedule as stated under the Cost And Work Accountants Act 1959 (as substituted by the Cost And Works Accountant (Amendment) Act, 2006, w.e.f. 17-11-2006), which read as follows:-

- i. **First Schedule Part-IV clause (2)** read as - A member of the institute, whether in practice or not, shall deemed to be guilty of other misconduct, if he -
  - In the opinion of the council, brings disrepute to the profession or the institute as a result of his action whether or not related to his professional work.
- ii. **Second Schedule Part-II clause (3)** read as - A member of the institute, whether in practice or not, shall deemed to be guilty of professional misconduct, if he





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- Includes in any information, Statement, return or form to be submitted to the Institute, Council or any of its Committees, Director (Discipline), Board of Discipline, Disciplinary Committee, Quality Review Board or the Appellate Authority any particulars knowing them to be false.
- Further as per "Chapter 1(a) (xi)" of "Code of Ethics of Institute of Cost Accountants of India" mentions ICAI guidelines shall -
  - (a) Set Standards for code of ethics of Cost Accountants such that a member will:
  - (xi) Not act maliciously or in any other way which may adversely reflect on the Public or professional reputation or business of another Member.

## Prayer:

In Fine to what have been stated above, I hereby, pray before you the following:

A Respondent being in past also held as guilty under the Institutes Code of Ethic and above stated Sections of Cost and Work Accountants Act. 1959 for his misconduct and illegal practices, Institute also even CANCELLED HIS LICENCE for one year in past and frequent warnings had also been given to him many times as well.

- Lambaste the respondent for lodging such forged replies
- Quash his membership for life time that too with immediate effect as even after got his license Cancelled Once still continue the same practices of indulging in illegal practices clearly shows he does not deserve more chances.
- Strong action towards such sinful people who not only play with the lives of people but also with prestigious of institute to set future benchmarks.
- Full Justification be made to me as I was already brutally tortured by the respondent by his above stated acts.
- Made him Surrender my original certificate of practice to the institute & return to me my original degree."

## Enclosure:

- Copy of Photograph with illegal wife & daughter
- Copy of Life Insurance Policy
- Copy of Passport or Nidhi as an photo ID proof for LIC Policy (Currently "Nidhi" changed name to "Anjali")
- Copy of Driving license as photo ID proof submitted with LIC policy
- Copy of Address Proof mentioned in LIC policy
- Copy of Receipts of Police Complaints Filled along with delivery status
- Copy of legal Suit for Compensation
- Copy of Arbitration Proceedings via M/s Bajaj Finance Limited
- Copy of RTI filled to UT-Chandigarh School Education



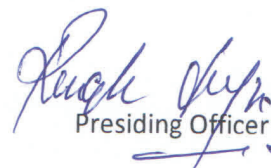
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7. The above-mentioned Complaint has been examined in pursuance of Section 21 of the Cost and Works Accountant Act, 1959 as amended in 2006 read with Rule 9 of the Cost and Works Accountants (Procedure of Investigations of Professional and other Misconduct and Conduct of Cases) Rules, 2007. It is observed that there was nothing on record to prove the allegations against the respondent and the Complainant has not been able to adduce any evidence regarding the same.
8. On perusal of the Complaint, written statement, prima facie opinion of the Director (Discipline), related material on record and in totality of all the facts and circumstances of the case, the Board arrived at the conclusion that there was nothing on record to prove the allegations against the respondent and the Complainant has not been able to adduce any evidence regarding the same. After detailed deliberations, the Board decided to order for closure of the matter in accordance with Rule 9(3) (a) of the Cost and Works Accountants (Procedure of Investigations of Professional and other Misconduct and Conduct of Cases) Rules, 2007 and inform the Complainant and the Respondent accordingly.

Accordingly, the complaint stands disposed off.

  
Presiding Officer