



**THE INSTITUTE OF  
COST ACCOUNTANTS OF INDIA**  
(STATUTORY BODY UNDER AN ACT OF PARLIAMENT)  
CMA BHAWAN  
12, SUDDER STREET, KOLKATA – 700 016.

**DISCIPLINARY DIRECTORATE**

Telephones : 2252-1031/1034/1035  
2252-1602/1492/1619  
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Mail id : discipline.director@icmai.in  
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The Institute of Cost Accountants of India  
Board of Discipline u/s 21A of  
The Cost and Works Accountants Act 1959

In the matter of

Complaint No. Com/21-CA(98)/2020 –

Shri Neelam Chiranjeevi Sridhar (M/37741).....Complainant

Vs.

Dr. K.Ch. A.V.S.N. Murthy(M/13338) .....Respondent

Facts of the case

1. The Disciplinary Directorate is in receipt of a complaint in Form I dated 14<sup>th</sup> September 2020 via email dated 15<sup>th</sup> September 2020 from Shri Neelam Chiranjeevi Sridhar (hereinafter referred to as "the complainant") bearing Membership number 37741 against Dr. K.Ch. A.V.S.N. Murthy (hereinafter referred to as "the respondent"), bearing Membership number 13338. The complaint was accompanied by the prescribed complaint fee of Rs. 2950/- (inclusive of GST) alleging the following against the respondent which is reproduced below:
  - (i) "Using our Institute Logo/ Emblem in election Manifesto, which is institute resource and cannot be used for electioneering as per 7(i) of Election Code.
  - (ii) As per procedure Certified copy of Manifesto to be submitted to Returning Officer (RO), if RO got the same with Logo/Emblem and still allowed his nomination it is a case of conspiracy else if RO got the same without Logo/Emblem then it is fraud against the Institute (either of that needs to be verified from RO)
  - (iii) In the same page of election Manifesto not disclosing that he is a Practicing CA and simultaneously using our Logo/Emblem thereby maliciously misleading voting members that he is associated with Cost Accountant profession only".





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The complainant had attached a photocopy of the election manifesto issued by the respondent during Elections to the Council & Regional Councils – 2019. The Form I filed by the complainant mentions the name of one Shri Kongara Ramachandra Rao (Membership No. 20177) as the name of a person who have knowledge of facts of the case.

2. On receipt of the complaint in Form I dated 14<sup>th</sup> September 2020 of the complainant, the instant complaint was registered by the Disciplinary Directorate after it was found to be in order and the same was proceeded with in the manner as prescribed in Chapter III of the Cost and Works Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007. A unique complaint number Com/21-CA(98)/2020 was allotted to the complaint.
3. The complaint, together with the covering letter and the annexure (numbering 08 pages in total), was emailed to the respondent vide mail Ref No. G/DD/Com-C-98/(13338)/1/10/2020 dated 22<sup>nd</sup> October 2020 at or about 1.41 PM requesting for his response in his defense by way of a written statement within 21 days.. The respondent, by an email dated 9<sup>th</sup> November 2020, received by the Disciplinary Directorate at or about 9.47 PM requested to grant him an additional time of 30 days (thirty days) to send his response through a written statement in his defense in respect of the said complaint.
4. The Disciplinary Directorate vide email dated 11<sup>th</sup> November 2020 sent at or about 4.20 PM to the respondent granted an extension of 21 days' time in accordance with sub-rule (3) of Rule 8 of the Cost and Works Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007 for submitting his response through a written statement stating that the written statement should reach the Disciplinary Directorate on or before 3<sup>rd</sup> December 2020.
5. On 2<sup>nd</sup> December 2020 at or about 10.14 AM, an email was received from the respondent requesting to grant him time of one more month to give reply with evidences and explanations. The Disciplinary Directorate, by an email Ref. No. G/DD/Com-CA(98)/(13338)/2/12/2020 dated 3<sup>rd</sup> December 2020, sent at or about 11.22 AM responded to the above stated request of the respondent which is reproduced below verbatim:







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"Dear Sir,

This is in reference to a complaint dated 14<sup>th</sup> September 2020 (emailed to this Directorate on 15<sup>th</sup> September 2020) made by Shri Neelam Chiranjeevi Sridhar (M/37741) against you in Form 'I' which has been registered with the Disciplinary Directorate vide Complaint No. Com/21-CA(98)/2020.

It may be mentioned that the instant complaint was forwarded to you by an email dated 22<sup>nd</sup> October 2020 requesting for your response through a written statement in your defense within 21 days from the date of service of the said email. You had, vide email dated 9<sup>th</sup> November 2020, sought an extension of time for 30 (thirty) days for sending the written statement. The Disciplinary Directorate, vide an email dated 11<sup>th</sup> November 2020, had granted you an extension of 21 days' time for furnishing your response through a written statement in your defense.

The Disciplinary Directorate is now in receipt of your email dated 2<sup>nd</sup> December 2020 seeking further extension of one month for your response in the matter of Complaint No. Com-21/CA(98)/2020.

In this connection, please note that in terms of Rule 8(3) of the Cost and Works Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of cases) Rules, 2007, an additional time not exceeding 30 (thirty) days may be allowed by the Director (Discipline) for forwarding a written statement in his defense. Since, an additional time period of 21 days has already been granted to you vide our email dated 11<sup>th</sup> November 2020, the Disciplinary Directorate is pleased to grant you one final extension of another 07 (seven) days for submitting your response through a written statement.

Your written statement should reach this office on or before 10<sup>th</sup> December 2020.

Yours faithfully,  
Sd/-"

6. The respondent, by his email dated 10<sup>th</sup> December 2020 forwarded his written statement at or about 5.18 PM in due compliance with Rule 8(3) of the Cost and Works Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007 which is reproduced below:





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"Dear Sir,

Sub.: Written Statement as per Rule 8(3) of the Cost and Works Accountants (Procedure of Investigation of Professional and Other Misconduct and Conduct of Cases) Rules, 2007.

Ref. Complaint number COM/21-CA(98)2020

This is in reference to your email dated 22<sup>nd</sup> October, 2020 forwarding a complaint made by one CMA Neelam Chiranjeevi Sridhar against me for certain acts of violation that have been alleged to have been committed by me. Please also refer to my email dated 9<sup>th</sup> November, 2020 requesting you to grant time of 30 days to send my response through a written statement in my defense in the said complaint. However, you have granted a time of 21 days only by an e-mail dated 11<sup>th</sup> November, 2020 to submit a written statement. I had again by an email dated 2<sup>nd</sup> December, 2020 requested you to grant me one more month of time to give reply with evidence and explanation but I regret to inform you that you had by your email dated 3<sup>rd</sup> December, 2020 only granted 7 days' time for submitting my response through written statement.

At the outset, I deny all the allegations which have been cast upon me by one CMA Neelam Chiranjeevi Sridhar, the complainant. The details of the allegations are as follows:

1. Using our Institute Logo/Emblem in election Manifesto which is Institute resource and cannot be used for electioneering as per 7(i) of Election Code.
2. As per procedure Certified copy of Manifesto to be submitted to Returning Officer (RO). If RO got the same with Logo/Emblem and still allowed his nomination, it is a case of conspiracy else if RO got the same without Logo/Emblem then it is fraud against the Institute (either of that needs to be verified from RO).
3. In the same page of election Manifesto not disclosing that he is a Practicing CA and simultaneously using our Logo/Emblem thereby maliciously misleading voting members that he is associated with Cost Accountant profession only.







I now attempt to furnish my statements regarding the above mentioned allegations:

1. I deny the use of our Institute Logo/Emblem in Election Manifesto. The allegation is false and frivolous and is based on surmise and conjecture. I would like to mention here that I have meticulously followed the Election Code of Conduct and have not at all used the Institute resources for the purpose of electioneering and as such the allegation made in para 5 of Form 1 are denied and subject to strict proof thereof.
2. Regarding the allegation mentioned in point no. 2, it may be mentioned that certified copy of the Manifesto along with declaration regarding compliance of Election Code of Conduct was duly submitted to the Returning Officer and he must have duly checked and verified my eligibility criteria for contesting the election and only on being satisfied with my Manifesto that it conforms to the Election Code of Conduct issued on 26<sup>th</sup> March, 2019 read with relevant provisions of the Cost and Works Accountants (Election to the Council) Rules, 2006, he had included my name in the final list of nomination in compliance with Rule 15 of the Cost and Works Accountants (Election to the Council), Rules, 2006.
3. Regarding the allegation stated in para 3, I would like to mention that I have adequately disclosed the fact that I am a Practising Chartered Accountant, which was mentioned in schedule 5 of the Cost and Works Accountants (Election to the Council) Rules, 2006, which provide the particulars of contesting candidates to be included in the final list of valid nomination which was also published on the website of the Institute.

In the voters list published by the Institute of Cost Accountants of India, my name with all academic qualifications were mentioned. Thus, there was no question of misleading the voters that I was associated with Cost Accountants profession only and the allegation of misleading the voters cannot arise.

Thus, I had disclosed the fact that I am a practising Chartered Accountant in my nomination form, all the allegations mentioned above are devoid of merit and have no legs to stand of.





Section 10A of the CWA Act 1959 deals with the settlement of disputes regarding election.

It is respectfully submitted that no complaint has been filed against me within thirty days from the date of declaration of the result of election.

As because there was no complaint against me within the stipulated period of 30 days from the date of announcement of election results, the Central Government has not established a Tribunal in terms of Section 10B of the CWA Act, 1959 to decide disputes relating to election.

It is respectfully submitted that CMA Neelam Chiranjeevi Sridhar is not an aggrieved party to the election according to Rule 2(b) of the Cost and Works Accountants Election Tribunal, 2006.

As such CMA Neelam Chiranjeevi Sridhar is not an aggrieved party and is not entitled to file application.

It is also rather surprising that the code of elections Notification was issued on 26<sup>th</sup> March, 2019 while the instant complaint has been filed on 15<sup>th</sup> September, 2020 i.e. after one and half year from the date of publication of election code of conduct. Had there been a genuine violation of 7(i) of Election Code of Conduct, the complainant would not have waited for one and half year to file the complaint. This clearly indicates that there is something more than that meets the eye and it is a deliberate attempt to malign and tarnish my image.

It may be mentioned here that in terms of the notification issued by the Returning Officer of the Institute vide notification dated 8<sup>th</sup> July 2019, I have been duly elected from the Southern India Regional Constituency.

I would like to bring to the kind notice of Director (Discipline) one email dated 16<sup>th</sup> September, 2020 of one CMA Deepak Kumar Panda with the subject line as follows:

**“Mr. Murty council member from the Southern region has violated election code of conduct by putting logo of the Institute in his election manifesto. It is a gross violation utilizing institute brand for his own benefit.”**







This email has been circulated to all members of the Council including Government Nominees with a copy of the complaint of CMA Neelam Chiranjeevi Sridhar. I would like to know how CMA Deepak Kumar Panda, not being the complainant in the instant complaint could manage to get a copy of the complaint that has been filed somebody else and in what capacity did he circulate the same to all members of the Council. This clearly proves that there is a collusion between CMA Neelam Chiranjeevi Sridhar and CMA Deepak Kumar Panda, which points out to a larger conspiracy to malign my image and tarnish my reputation. It also proves an unholy alliance between the two who have conspired against me for reasons best known to them.

On the above backdrop, I would earnestly request to drop the case against me being devoid of merit and issue stricture to the complainant for trying to falsely implicate me and for concocting a false case against me.

With regards

Yours sincerely

Dr.K.Ch A.V.S.N. Murthy”

7. The written statement dated 10<sup>th</sup> December 2020 was emailed to the complainant by Disciplinary Directorate by email Ref. No. G/DD/Com-CA(98)/2/12/2020 dated 11<sup>th</sup> December 2020 at or about 4.02 PM with a request to send his rejoinder within 21 days. The complainant, however, did not respond within the stipulated period of 21 days. Another email Ref. No.: G/DD/Com-CA(98)/3/01/2021 dated 22<sup>nd</sup> January 2021 was sent at or about 5.56 PM to the complainant stating that the Disciplinary Directorate was yet to receive his rejoinder on the written statement of the respondent. The complainant was once again requested to send his rejoinder at the earliest. Subsequently, another reminder was sent to the complainant vide email Ref. No.: G/DD/Com-CA(98)/4/06/2021 dated 11<sup>th</sup> June at or about 2.46 PM requesting him to send his rejoinder on the written statement.
8. The respondent by an email dated 24<sup>th</sup> August 2021 sent at or about 9.30 PM submitted his rejoinder which is reproduced below:





“Dear Sir

With reference to your e-mail, wherein I was asked to give rejoinder on the statement made by Mr. K.CH.A.V.S.N. Murthy. In this connection, I hereby inform you that all the information and statement given by Mr. K.CH.A.V.S.N. Murthy is false and far from the truth. The evidence already submitted by me along with the complaint, shows that the institute's logo/emblem in his election manifesto. So, whatever he said in the statement is false. Therefore, I request you to initiate the disciplinary proceedings against him immediately.

Yours faithfully

N.CH. SRIDHAR”

9. The Disciplinary Directorate, as part of the investigation that the Director (Discipline) is empowered to do under Section 21(4) of the Cost and Works Accountants Act, 1959, vide letter Ref No. G/DD/CA(98)/(M-20177)/3/07/2021 dated 19<sup>th</sup> July 2021 sought clarification from Shri Ramachandra Rao Kongara, bearing membership number 20177 whose name has been mentioned in Form I as person who have knowledge of the facts of the case. He was requested to apprise this Directorate whether or not the manifesto issued by Dr. K. Ch. A.V.S.N. Murthy, respondent in the subject complaint, during the elections to the Council and Regional Councils – 2019 carried the emblem of the Institute of Cost Accountants of India. Shri Ramachandra Rao Kongara was also requested to furnish within a period of seven days from the date of service of the letter, a copy of the manifesto issued by the respondent during the elections to the Council and Regional Councils – 2019 in case he had received the same.
10. Shri Ramachandra Rao Kongara, by an email dated 4<sup>th</sup> August 2021, received at or about 3.42 PM, followed by a hard copy of the letter sent his response enclosing a copy of the manifesto which has been received by Shri Rao. The four-page manifesto sent by Shri Rao matched with the manifesto enclosed by the complainant in his complaint.
11. Based on the above factual position, Director (Discipline) formed the prima facie opinion against the respondent in terms of Rule 9(2)(a)(i) of the Cost and Works Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007 holding the respondent guilty in terms of the







provisions of clause (2) of Part IV of the First Schedule of the Cost and Works Accountants Act, 1959 which states that a member of the Institute, whether in practice or not, shall be deemed to be guilty of other misconduct, if in the opinion of the Council he brings disrepute to the profession or the Institute as a result of his action whether or not related to his professional work. The prima facie opinion was placed at the 34<sup>th</sup> meeting of the Board of Discipline held on 4<sup>th</sup> September 2021.

12. In the 34<sup>th</sup> meeting of the Board of Discipline held on 4<sup>th</sup> September 2021, Director (Discipline) apprised the Board of the following:

That the complainant has leveled three allegations against the complainant:

- (i) The first allegation is using our Institute Logo/Emblem in election Manifesto which is Institute resource and cannot be used for electioneering as per 7(i) of Election Code.

In regard to the first allegation on perusal of the Election Notification issued by the Council of the Institute dated 26<sup>th</sup> March 2019, it is observed that –

- a. Para 7(i) states that “No candidate shall directly or indirectly use the Institute’s resources for the purpose of electioneering”.
- b. Para 16 of Clarification III states that “No contesting candidate shall pick up any photographs/logo of the Institute/image of building of the Institute/Regional Councils/Chapters from Official Journal of the Institute or the Newsletters/Magazines of Regional Councils/Chapters and use the same in any manner.

It appears from the manifesto sent by the complainant and Shri Ramachandra Rao Kongara that the respondent had used the emblem / logo of the Institute in contravention of Para 16 of Clarification III of the Election Code of Conduct – Election to the Council and Regional Councils 2019.

- (ii) The second allegation is as per procedure certified copy of Manifesto to be submitted to Returning Officer (RO). If RO got the same with Logo/Emblem and still allowed his nomination, it is a case of conspiracy else if RO got the same without Logo/Emblem then it is fraud against the Institute (either of that needs to be verified from RO).





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- (iii) In the same page of election Manifesto not disclosing that he is a Practicing CA and simultaneously using our Logo/Emblem thereby maliciously misleading voting members that he is associated with Cost Accountant profession only.

There are documents on record submitted by the complainant as well as by another member, namely, Shri Ramachandra Rao Kongara which points out to the fact that the respondent had used the Emblem/Logo in the manifesto issued by him during the Elections to the Council and Regional Councils – 2019.

13. The Board, however, did not agree with the prima facie opinion formed by Director (Discipline) and directed to further investigate the matter in terms of Rule 9(2)(c) of the said Rules. In this regard, Director (Discipline) was directed to obtain a copy of the manifesto submitted by the respondent to the office of the Returning Officer (i.e., Secretary of the Institute) and to place the same before the Board at its next meeting.
14. In the 35<sup>th</sup> meeting of the Board of Discipline held on 10<sup>th</sup> September 2021, the Board noted that an email dated 6<sup>th</sup> September 2021 was sent to the Secretary of the Institute at or about 3.06 P.M. seeking the following information on the manifesto issued by the respondent:
- i) Whether or not the fact of practising Chartered Accountant has been disclosed by Dr. K Ch. A.V.S.N. Murthy in "Particulars of Occupation" required to be submitted by a contesting candidate as per item number (j) of Schedule 5 of The Cost and Works Accountants (Election to the Council) Rules, 2006. A copy of the said nomination filed by Dr. K Ch. A.V.S.N. Murthy in the Election to the Council & Regional Councils - 2019, may please be provided to this Directorate.
  - ii) Whether or not the manifesto issued by Dr. K Ch. A.V.S.N. Murthy (M/13338) during the Elections to the Council and Regional Council - 2019 contained the emblem of the Institute.

A request was made to provide a copy of the said manifesto issued by Dr. K Ch. A.V.S.N. Murthy during the Election to the Council & Regional Councils – 2019 to the Disciplinary Directorate. Also, a hard copy of a letter Ref No. G/DD/Com-CA(98)/01/09/2021 dated 6<sup>th</sup> September 2021 has also been sent to the Secretary of the Institute requesting to provide a copy of the manifesto issued by the respondent during the Elections to the Council and Regional Council – 2019.







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15. The Secretary vide his letter Ref. No. G/128/09/2021 dated 9<sup>th</sup> September 2021 (received by the Disciplinary Directorate on 13<sup>th</sup> September 2021) provided his reply to the above mentioned letter dated 6<sup>th</sup> September 2021 of Director (Discipline):

"Dear Sir,

In reference to your letter Ref No. G/DD/Com-CA(98)/01/09/2021 dated 6<sup>th</sup> September 2021, please find below reply to the information sought by you regarding Dr. K Ch. A.V.S.N. Murthy:

- (i) The fact of practising Chartered Accountant has been duly disclosed by Dr. K Ch. A.V.S.N. Murthy in "Particulars of Occupation" required to be submitted by a contesting candidate as per item number (j) of Schedule 5 of The Cost and Works Accountants (Election to the Council) Rules, 2007.
- (ii) The manifesto issued by Dr. K Ch. A.V.S.N. Murthy (M/13338) during the Elections to the Council and Regional Council - 2019 did not contain the emblem of the Institute.

The manifesto issued by Dr. K Ch. A.V.S.N. Murthy is enclosed herewith.

Yours faithfully,

Secretary"

16. In the 36<sup>th</sup> meeting of the Board held on 17<sup>th</sup> September 2021, the Board perused the letter dated 9<sup>th</sup> September 2021 received from the office of the Secretary (Returning officer) and took note of the above. In the 37<sup>th</sup> meeting of the Board held on 1<sup>st</sup> October 2021, the Board perused the manifesto received from the office of the Returning Officer. CMA Balwinder Singh, learned member advised Director (Discipline) to place the original documents relating to the case for perusal in the next meeting of the Board. In the 39<sup>th</sup> meeting of the Board held on 24<sup>th</sup> March 2022, the learned members of the Board decided to discuss and deliberate the same in the subsequent meeting of the Board. In the 40<sup>th</sup> meeting of the Board held on 4<sup>th</sup> July 2022, this case was not taken up and this agenda item was deferred. In the 41<sup>st</sup> meeting of the Board held on 10<sup>th</sup> September 2022, the Presiding Officer, who took over from his predecessor in the last meeting perused through the facts of the case





and expressed his intention to physically inspect the relevant documents pertaining to the case in the subsequent meetings of the Board. In the 42<sup>nd</sup> meeting of the Board held on 27<sup>th</sup> October 2022, the Presiding Officer expressed his intention to physically inspect the relevant documents pertaining to the case in the subsequent meeting of the Board.

17. This matter came up for discussion in the 43<sup>rd</sup> meeting of the Board held on 7<sup>th</sup> November 2022. On a careful perusal of the manifesto that has been submitted by the respondent to the office of the Returning Officer during the Elections to the Council & Regional Councils – 2019 it is evident that no emblem / logo of the Institute appear on the manifesto. The Board puts reliance on the documents made available by the office of the Returning officer and the documents received clearly shows that there has not been any violation of *Election Code of Conduct by the respondent as has been alleged by the complainant in his complaint dated 14<sup>th</sup> September 2021.*
18. The Board takes a serious view of the act done by one CMA Deepak Kumar Panda of circulating an email on 16<sup>th</sup> September 2022 to all members of the Council including Government Nominees with a copy of the complaint of CMA Neelam Chiranjeevi Sridhar.
19. In dealing with the instant complaint, the Board concludes:-
- Based on the documents received from the office of the Returning Officer, it is abundantly clear that the respondent did not use the Institute's emblem or logo in the manifesto.
  - The Board notes with grave concern that the complainant has raised suspicion and cast allegation against the office of the Returning Officer which is unwarranted and uncalled for.
  - While it is mandatory that a contesting candidate should publish his manifesto in accordance with the provisions of The Cost and Works Accountants (Election to the Council) Rules, 2006, nowhere under the said rules it is stipulated the particulars/details that a contesting candidate must publish in his manifesto. The respondent has duly disclosed the fact that he is a practicing Chartered Accountant under 'Particulars of Occupation' required to be submitted by a contesting candidate as per item number (j) of Schedule 5 of The Cost and Works Accountants (Election to the Council) Rules, 2006.








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- iv. Hence, it cannot be said that the action of the respondent was malicious or misleading to the voters.
20. Thus, the complaint lacks merit and the proceedings against Dr. K.Ch. A.V.S.N. Murthy, respondent are dropped. The Board is of the considered view that the respondent is not guilty of professional and other misconduct.
21. In view of this, the complaint stands disposed of in terms of Rule 9(2)(c) of the Cost and Works Accountants (Procedure of Investigation of Profession and Other Misconduct and Conduct of Cases) Rules, 2007.

  
**CMA Kunal Banerjee**  
**PRESIDING OFFICER**

