



**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
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**The Institute of Cost Accountants of India
Disciplinary Committee u/s 21B of The Cost and Works Accountants
Act 1959**

In the matter of

Complaint No. Com/21-CA(37)/2016 –

CMA Rakesh Singh (M/10111).....Complainant

Vs.

CMA (Dr.) Sanjiban Bandyopadhyaya (M/8601).....Respondent

Facts

1. The Disciplinary Directorate was in receipt of a complaint dated 5th February 2016 in Form I in triplicate with the requisite filing fees from CMA Rakesh Singh (hereinafter referred to as the "complainant"), bearing membership number 10111 against Dr. Sanjiban Bandyopadhyaya (hereinafter referred to as the "respondent"), bearing membership number 8601 which was registered by the Disciplinary Directorate vide Complaint No.Com/21-CA(37)/2016.
2. The complaint of the complainant is given below in verbatim:

Quote

I CMA Rakesh Singh, Membership No. 10111 came to learn from very reliable source of our esteemed Institute that an ex Council Member namely Dr. Sanjiban Bandyopadhyaya, Membership No. 8601 has siphoned colossal amount of public money to the tune of about Rupees 8,50,000/- (Eight lakhs fifty thousand) in stern contravention of the council guidelines.

It appears from the tabulation sheet submitted by the Director (Finance) of the Institute that Dr. Sanjiban Bandyopadhyaya had prepared fake bills in relates to professional development (PD) expenses and refreshment since 2007 to 2014-2015 (up to 03.12.2014 in following manner.

Particulars	2010-11	2009-10	2008-09	2007-08
	Rs.	Rs.	Rs.	Rs.





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P D Expenses	-	-	6,348	-
P D Refreshment	54,691	25,663	44,750	20,124
Particulars	2014-15 (Up to 03-12-2014)	2013-14	2012-13	2011-12
	Rs.	Rs.	Rs.	Rs.
P D Expenses	21,944	30,551	22,249	-
P D Refreshment	185,878	178,598	149,798	107,719

I understand that from 2007 onwards no other Council Member has ever preferred such exorbitant baseless bills other than normal TA/DA (Daily Allowance) which are usually claimed in prescribed formats for attending meetings of the institute.

That all the aforesaid claims submitted by the said Dr. Sanjiban Bandyopadhyaya are in his own handwriting and the aforesaid exorbitant baseless claims were made on plain paper stating that the expenses are to be reimbursed for the PD work. Surprisingly none of the bills/claims mentioned the nature of PD work or the person with whom the claimant was meeting.

Said Dr. Sanjiban Bandyopadhyaya has been able to dupe the Institute financially from 2007 to 2014-2015 and when I began this uproar during last quarterly review of accounts carried out by the auditors of the institute, they specifically questioned the purpose for which such payments were being made. Thus, since first week of January 2015 onwards fortunately the payment was stopped in favour of Dr. Sanjiban Bandyopadhyaya.

Since January 2015 onwards, when this shameless scam revealed, I took the onus and sent numerous emails to various dignitaries of our esteemed Institute about the ill effect of such siphoning of public money amounting to about Rupees 8,50,000/- (Eight lakhs fifty thousand) in contravention of the council guidelines and the monetary loss suffered by the Institute due to deliberate presentation/claim with fake bills without the prescribed format of the Institute (Annexed as Annexure-1 A)

My series of emails to which no response could be furnished by anybody including Dr. Sanjiban Bandyopadhyaya, the reply letter submitted by the Director (Finance) along with its annexure in response to the disciplinary complaint filed by me to the Institute and the circumstances unambiguously establishes the guilt of Dr. Sanjiban Bandyopadhyaya, whereby the Institute suffered colossal financial loss and damages to the tune of about Rupees 8,50,000/- (Eight lakhs fifty thousand).





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It is also pertinent to note that the said ex Council Member Dr. Sanjiban Bandyopadhyaya along with other members of his group had created pandemonium in the Institute Headquarters at 12, Sudder Street, Kolkata - 700016 on 21st July, 2014 to which the officials of New Market Police Station are eye witness. It is apprehended that Dr. Sanjiban Bandyopadhyaya utilized the funds gathered him by siphoning the aforesaid colossal sums for gathering the mob and instigating to create pandemonium in the Institute premises for his personal interest. This act on the part of Dr. Sanjiban Bandyopadhyaya appears to be an offence under section 408 of the Indian Penal Code.

This is also to bring to your kind notice that the Disciplinary Committee of the Institute constituted under the Cost and Works Accountants Act, 1959 has already taken penal action against Dr. Sanjiban Bandyopadhyaya for misappropriation of funds of the Institute in another case.

I take venture to disturb and encroaching upon your valuable time only to help our esteemed Institute in order to get rid of the aforesaid illegal and malicious act and activities through a proper enquiry/investigation and must arrive at correct finding so that our esteemed Institute can recover from such huge financial loss.

I can candidly vouch that any fair and bold enquiry, if to be held impartially will reveal the bare truth and immediate stern steps shall undeniably save our esteemed institution from further financial losses and damages.

CMA Rakesh Singh
M-10111
New Delhi – 110014
Dated:- 5th February 2016.

Unquote

3. The complainant along with his complainant had enclosed a series of emails understood to have been addressed to the officials of the Institute and few members of the Council of the term 2011-15 which are given below:
- Complainant's email dated 14th January 2015 addressed at or around 2.07 PM to the then Director (Finance) of the Institute stating that it was given to understand by him that huge amount of money was being drawn by one CCM in the name of PD expenses without any authorization. The complainant requested the then Director (Finance) to look into the matter and take note of such issue.
 - Complainant's email dated 19th January 2015 addressed at or around 9.51 AM to the then Director (Finance) of the Institute stating that the overall money withdrawn/spent has been utilized to pamper anti social elements. The complainant requested to stop such malpractice and to make full investigation as to how such malpractice was prevalent for such time.
 - Complainant's email dated 23rd January 2015 addressed at or around 11.30 AM to the then Director (Finance) of the Institute with copies thereof being marked to the then Secretary (Acting) and two former Presidents of the Institute stating that the then Director (Finance) must have taken remedial measures to stop the 'siphoning of money' by the CCM.





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- d) Complainant's email dated 27th January 2015 addressed at or around 12.34 PM to the then Director (Finance) of the Institute with copies thereof being marked to the then Secretary and two former past Presidents as well as to the Council members of the Eastern region giving reference to the earlier emails sent to him.
 - e) Complainant's email dated 3rd February 2015 addressed at or around 1.29 PM to the then Director (Finance) of the Institute with copies thereof being marked to the then Secretary and two former past Presidents as well as to all Council members of the Eastern region and few other Council members of the Southern region echoing the same sentiments as in earlier emails.
 - f) Complainant's email dated 7th February 2015 addressed at or around 11.42 PM to the then Director (Finance) of the Institute with copies thereof being marked to the then Secretary and two former past Presidents as well as to all Council members of the Eastern region and few other Council members of the Southern and Western region echoing the same sentiments as in earlier emails.
 - g) Complainant's email dated 13th February 2015 addressed at or around 11.39 AM to the then Director (Finance) of the Institute with copies thereof being marked to the then Secretary and two former past Presidents as well as to all Council members of the Eastern region and few other Council members of the Southern and Western region echoing the same sentiments as in earlier emails.
4. The 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(37)/2016 was allotted to the complaint.
 5. The respondent was intimated vide letter Ref. No. G/DD(M-8601)/Com-CA(37)/1/02/2016 dated 24th February 2016 to send his response to the complaint through a written statement in his defence within 21 days from the date of service of the letter. On receipt of the letter dated 24th February 2016, the respondent, vide his letter dated 14th March 2016, stated that since the matter was an old one and as he was busy for serious medical treatment of his family members, he prayed for a period of one month to respond to the letter dated 24th February 2016 of Director (Discipline). The Director (Discipline) vide letter Ref. No. G/DD(M-8601)/Com-CA(37)/2/03/2016 dated 18th March 2017 granted an additional time of 30 days for submitting his response in accordance with Rule 8(3) of the Cost and Works Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007.
 6. The respondent vide his letter dated 12th April, 2016 submitted his written statement which is reproduced below in verbatim:

Quote

1. Hope, you believe, at least as a Cost Accountant, that a Council Member is being elected by Members of the Institute for exploration of new avenues to the Profession, which I strictly tried to do since my entry as a Central Council Member in 2004.
2. That the purported me complaint of Mr. Rakesh Singh is based on personal vengeance to wreck against personal grievances, to keep out from the future election of the Council Members.





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3. It is also an attempt to stop me or to my other co-members from complaining the illegalities committed by said Rakesh Singh and his group members like Dr.A.S. Durgaprasad and Mr. S.C.Mohanty in Rajarhat & Noida Land Scam.
4. It is a counter blast of oursuch complaint against them before the Police Authority, pertaining said Land Scam Case.
5. That the nature of complaint, pertaining to the conduct of Council Members, if any, done during as an administrator of the Institute, cannot under the power of the Disciplinary Committee of the Institute to try and determine the complaint, under the Institute of Costs & Works Accountants Act 1959 (hereinafter referred to as said Act).
6. That the disciplinary Committee of the Institute can proceed with the complain, pertaining to any deed or action committed by an member during his discharging the professional services and not of an action of the council member, who discharged administrative function.
7. Without prejudice to the aforesaid, it is not a case of Mr. Rakesh Singh, that the works for which monies were drawn either as an advance or settlement of vouchers, were not actually done. His contentions that I had incurred those expenses without proper recordings and vouchers are based on conjectures and surmise and mere apprehensions.
8. I believe that as a Member of the Institute, you are fully aware that-
 - i. Convincing Dr. Asim Dasgupta (the then Chairman to the Empowered Committee of VAT) in December, 2004, Cost Accountants became entitled to be Auditor of State VAT in major States of the Nation.
 - ii. During 2004-06, my repeated negotiation with top-notches of Ministry of Finance re-opened the Scope of Audit U/s 14A & 14AA under Central Excise Act.
 - iii. During 2005-07, my several negotiation convinced the MOF (GOI) to introduce the Special Audit U/S 14A & 14AA under Service Tax

(Note : Point Nos. 2 & 3 were only for Cost Accountants at that time, but unfortunately diluted later for irresponsible letter by a President)

9. My constant approach to major number of Members of Empowered Committee of GOI, gave berth to Cost Accountants within the definition of Accountants in the then Draft Direct Tax Code.
10. My tremendous logical discussion made the then MOF to accept that the Valuation of Stock (including Transfer) in Indirect Taxation Area (including forthcoming GST era) introduce a Special Section only for Cost Accountants.

(Note : Institute should have Video & Audio recording the deliberation of Guest-of-Honour, who is very senior official of MOF, GOI, during his deliberation at Science City Auditorium, Kolkata under my Chairmanship during Inaugural Session of "Convocation" of the Institute)





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11. My untiring effort of convincing good number of MPs had given Cost Accountant the berth of Sec 139 of the Companies Act, 2013.
12. Hope, you certainly believe that to convince such huge number of Policy Makers of the Nation (one to one basis) and also to prepare documents for such discussion (where I had to discuss with good number of experts), I had to treat them with Hot/ Cold Drinks, Snacks etc., which I reimbursed from the Institute time to time.
13. Further to note that :
 - i. Figures mentioned by Sri Singh is not with me. So, I need confirmation from Finance Department about amount sated in complain.
 - ii. Further, he circulated e-Mail dated 27 January 2015, he alleged the figure as Rs. 15 lacs, but now Rs. 8.5 Lacs.
 - iii. Sri Singh alleged that bills are hand-written, but unfortunately he suppressed the fact that all bills made with supporting bills. So his had mis-informed to the Committee.
14. Please note that Sri Singh had given part of series of e-Mail, but not all. In January, 2015 there was clear call from my end to the then President to call CBI to get the fact about the Institute. (Copy enclosed)
15. It is categorically denied that any fake bills which relates to professional development, professional expenses and refreshment since 2007 to 2014-2015 upto 3.12.2014 were produced by the undersigned. He is not a person to declare those bills as "fakes". It should be considered and declared by the Institute during the relevant period of time itself and not after 7 years.
16. All those bills vouchers were examined and audited by the statutory auditors of the Institute without any qualification. And, as such, on the basis of mere conjectures and surmise of said Rakesh Singh purported complaint cannot be proceeded against the undersigned.
17. It is not stated as to how and in which manner Mr. Rakesh Singh came to conclusion that those expenses were not incurred. It is not the case of the complainant that the causes recorded in the different vouchers were not occurred and the Institute had not taken the benefits thereof. By discharging those services and the meagre expenses done, in consideration thereof, were justified and passed by the Statutory Auditors in the respective financial accounts.
18. Further to inform you that one CCM raised the issue in January'15 Council Meeting, where the then President (though not noted in Minutes- as he desired) very categorically told " It is a baseless issue".
19. Further to inform you that at the end of Financial Year, I used to write in clear terms to the Head of Finance of the Institute that if any payment was made to me "Unauthorised/ beyond Norms/ Rules" during the Financial Year, to be reimbursed from me. But, I received neither any communication & / or "Debit Note" from concerned authority.





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20. In his presentation to the Disciplinary Committee, Mr. Singh had taken help "Impractical and bias Imagination". Hope, other than a psychiatrist none can reply to that.
21. Now, I want to present some important points before your good-office.
22. Though the expenditure were being incurred every year, of which accounts were prepared, Internal & External Audit were conducted- No Report at least myself could not find/ noticed till 2014 (more specifically till May, 2014)
23. As during Council Meeting of May, 2014, I raised issue of "Siphoning Institute's Fund by purchasing land at/ near Kolkata for Construction of Office Premises for the Institute", by a coterie of Heads (including Mr. Singh) and later regarding Purchase of Building at Noida for the institute.
24. My basic points were-
Regarding Land at/ nearby Kolkata-
- A) Institute was running shortage of space, which means immediate construction was needed. Then why the land was not "Bastu" at the time of purchase.
 - B) The land purchased for office building was not in accordance to the requirement, ie, no proper transportable road was there,
 - C) Have anyone heard in the world that to construct building land procured in pieces having no connectivity in between.
 - D) Land procured at Rs.7.28 Crs (app.), cost of which was Rs.2.87 Crs (app.) only before 3 weeks before the date of purchase (for detail economic analysis, an ex-cel sheet is enclosed)
25. You are requested to refer the same to Mr. K. Govindaraj & Mr. G. Sreekumar, both were Government Nominees to the then Council to know the fact.
26. Later, I also raised points on "Noida Building" issue, where it proves that around 33.33% extra was paid. What sorts of jurisprudence was applied.
27. I, firmly believe that Mr. Singh, out of "Fear-Psychosis" had raised all AntiProfessional points to divert the issue of siphoning of Rs. 10 Crs (app.) by 4 heads including Mr. Singh.
28. I, further request you to have a practical view on the matter, w.o, disturbing the Professional Issue of the Institute, which at its lowest ebb.

Hope you will find detail rom above mentioned presentation.
I reserve my right to present further information, if required.

Thanking you

Yours sincerely,





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(Sanjiban Bandyopadhyaya)"

Unquote

7. The respondent had enclosed few emails sent by him to the then Director (Finance) on various dates wherein he had acknowledged that he had been paid several times during the FY 2010-11, 2011-12, 2012-13 and he had requested Director (Finance) to recover the money from him in case the payment was made beyond norms.
8. The written statement of the respondent was sent to the complainant vide letter Ref. No. G/DD(M-10111)/Com-CA(37)/2/04/2016 dated 20th April 2016 of the Disciplinary Directorate requesting the latter to send his rejoinder, if any, within 21 days from the date of service of the letter under reference. As no rejoinder from the complainant was forthcoming, another letter Ref. No. G/DD(M-10111)/Com-CA(37)/3/07/2016 dated 5th July 2016 was sent to the complainant with a request to forward the rejoinder at an early date.
9. As part of the investigation that Director (Discipline) was empowered to do under Section 21 of the CWA Act, 1959, a letter Ref. No. G/DD/Finance/8601/01/07/2016 dated 8th July 2016 was sent to the then Sr. Director (Finance) requesting him to provide details of all professional Development expenditure (including refreshments and conveyance) claimed as reimbursement from the Institute Headquarters from FY 2007-08 till 2014-15 (both years inclusive) by the respondent during his tenure as a Council member. Since no reply was forthcoming, another letter Ref. No. G/DD/DF/8601/02/03/2017 dated 22nd March 2017 was sent to the then Director (Finance) with exactly similar request. The then Director (Finance) vide his letter dated 29th May 2017 provided the information for FY 2007-08, 2008-09, 2009-10, 2010-11, 2011-12, 2012—13, 2013-14 & 2014-15 which is given below:

SUMMARY OF EXPENSES CMA SANJIBAN BANDOPADHYAY, CCM

THE INSTITUTE OF COST ACCOUNTANTS OF INDIA
CMA BHAVAN-KOLKATA
12, SUDDER STREET, KOLKATA- 700016

All figures are in Rs.

PARTICULARS	FY 2014-15	FY 2013-14	FY 2012-13	FY 2011-12	Total
Indirect Expenses					
- OFFICE EXPENSES #	23,029	61,210	17,017	30,135	131,391
- PROFESSIONAL DEVELOPMENT EXPENSES***	262,214	209,149	188,382	90,710	750,455
- TRAVELLING & CONVEYANCE	2,600	10,535	3,786	1,874	18,805
TOTAL	287,853	280,894	209,185	122,719	900,651

***NOTE-PROFESSIONAL DEVELOPMENT EXPENSES INCLUDES

PARTICULARS	FY 2014-	FY 2013-	FY 2012-	FY 2011-	Total
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	15	14	13	12	
1) TRAVELLING EXPENSES	54,677	16,798	22,249	-	93,724
2) CONVEYANCE EXPENSES	15,234	13,753	-	-	28,987
3) REFRESHMENT EXPENSES	192,303	178,598	166,133	90,710	627,744
TOTAL	262,214	209,149	188,382	90,710	750,455

OFFICE EXPENSES #	FY 2014-15	FY 2013-14	FY 2012-13	FY 2011-12	Total
PRINTING & STATIONERY	-	-	-	8,250	8,250
CAR HIRE CHARGES (24216)		29,049	-	4,381	33,430
TELEPHONE CHARGES/24201	23,029	32,161	17,017	17,504	89,711
TOTAL	23,029	61,210	17,017	30,135	131,391

THE INSTITUTE OF COST ACCOUNTANTS OF INDIA

DETAILS OF TRAVELLING & REIMBURSEMENTS TO CCMS

(Details From 2007-08 to 2010-11)

Particulars	SANJIBAN BANDYOPADHYAY			
	2010-11	2009-10	2008-09	2007-08
	Rs.	Rs.	Rs.	Rs.
OFFICE EXPENSES				
PRINTING & STATIONERY	5,225	7,050	4,825	2,550
CAR HIRE CHARGES	16,880	9,291	894	15,872
TELEPHONE CHARGES	20,274	31,770	38,158	31,653
Total	42,379	48,111	43,877	49,775
TRAVELLING & CONVEYANCE				
LOCAL CONVEYANCE	32,735	12,827	2,792	-
TRAVELLING EXPENSES	1,403	-	-	-
Total	34,138	12,827	2,792	-
PROFESSIONAL DEVELOPMENT EXPENSES				
PROFESSIONAL DEVELOPMENT EXPENSES	-	-	6,348	-
REFRESHMENT EXPENSES	54,691	25,663	44,750	20,124
Total	54,691	25,663	51,098	20,124

Findings

10. It was observed that an amount of about Rs 9.00 lakhs was withdrawn by the respondent as PD expenses including travelling and refreshments. The Director (Discipline) vide his letter Ref. No. G/DD/DF/8601/03/11/2017 dated 22nd November 2017 sought an information from the then Director (Finance) if there was any audit qualification on the PD expenditure (including refreshments and conveyance during the FY 2007-08 till 2014-15 (both years inclusive). The Director (Finance) vide letter Ref. No. G/DD/DF/8601/FIN/2017-DEC dated 29th December 2017 responded that they have gone through the audited annual accounts/reports for the years 2007-08 to 2014-15 but they have not come across any



[Handwritten signature]



DISCIPLINARY DIRECTORATE

objection/qualification on PD expenditure (including refreshments and conveyance during the FY 2007-08 till 2014-15 (both years inclusive).

11. From a bare perusal of the above analysis given in Para (9) it is quite clear that the respondent had claimed and withdrawn considerable sum in the name of Professional Development expenses. This is corroborated by the respondent's own admission in his written statement of 12th April 2016 wherein he states "Hope, you certainly believe that to convince such huge number of Policy Makers of the Nation (one to one basis) and also to prepare documents for such discussion (where I had to discuss with good number of experts), I had to treat them with Hot/ Cold Drinks, Snacks etc., which I reimbursed from the Institute time to time."
12. The prima facie opinion formed by Director (Discipline) against the respondent was placed before the Disciplinary Committee at its 60th meeting held on 23rd March 2022 in terms of Rule 9(2)(a)(ii) of the Cost and Works Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007 but the same was not agreed to by the Committee. The Committee directed Director (Discipline) to obtain from the Finance Directorate copy of all vouchers against which the amount towards Professional Development expenses (including amount spent towards refreshment expenses and local travelling) have been withdrawn during the FY 2010-11 to FY 2014-15, to find out the sanctioning authority and to place the same before the Committee at its next meeting.
13. In compliance with the aforesaid directives of the Disciplinary Committee, letters dated 25th March 2022 and 18th April 2022 was addressed to Director (Finance) requesting to provide the Disciplinary Directorate with a copy of all vouchers against which the amount towards Professional Development expenses (including amount spent towards refreshment expenses and local travelling) have been withdrawn. The Finance Directorate had made available photocopies of some of the bills against which payments have been withdrawn by the respondent. On perusal of these vouchers, it is observed that:
 - The bills have been duly processed, passed and approved for payment by officials of the Institute.
 - These officials consisted of Sr. Officer/Asst. Director/Dy. Directors/Joint Directors/Director (Finance) and Sr. Director (Finance)
 - These bills were passed against supporting documents. However, no other Council member has ever drawn such amounts at regular intervals in the garb of "PD Expenses".

Order

14. The Committee noted that the aforesaid payments made to the respondent were duly processed and passed by the officials of the Institute. The Committee is also given to understand that the complainant has recently passed away. The Committee concluded that on account of unfortunate demise of complainant, the instant complaint cannot be pursued and the proceedings against the respondent be dropped.
15. Therefore, the proceedings against CMA (Dr). Sanjiban Bandyopadhyaya, respondent are dropped and the case is closed in terms of Rule 9(2)(c) of the Rules.





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16. The decision has been taken by the Committee unanimously. The complaint thus stands disposed of.

(CMA P. Raju Iyer)
PRESIDING OFFICER

22/06/22

