



DISCIPLINARY DIRECTORATE

**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.



[Handwritten signature]



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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).





**THE INSTITUTE OF
COST ACCOUNTANTS OF INDIA**
(STATUTORY BODY UNDER AN ACT OF PARLIAMENT)
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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:
 - a) 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.
 - b) 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.
 - c) 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.



