



The Institute of Cost Accountants of India

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

Final order number: ICMAI/BOD/2026/32

Complaint number	Com-21/CA(138)/2024
In the matter of	CMA Harshad Deshpande (M/25054) [Complainant] Vs. CMA Dushyant Chandrakant Dave(M/7759)[Respondent]
Date of Hearing	As per records and order sheet
Date of order	31 st March, 2026

CORAM:

1	Shri P.K. Pujari, IAS (Retd)	Presiding Officer
2	CMA (Dr.) Ashish Thatte	Member

PRESENT

1	CMA(Dr) Hemant Kumar Sindhvani	Director (Discipline)
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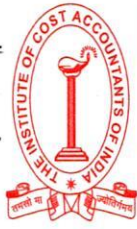
Brief of the Case: -

1. The Disciplinary Directorate is in receipt of a complaint in Form I dated 22nd May 2024 in triplicate together with the prescribed complaint fee of Rs 2950/- (inclusive of GST) from CMA Harshad Deshpande (hereinafter referred to as the “complainant”), against CMA Dushyant Chandrakant Dave (hereinafter referred to as the “respondent”) bearing Membership number 7759, containing certain allegations against the respondent falling under various provisions of the Cost Accountants Act, 1959.
2. The complaint consists of one page, accompanied by annexure. The Form I is reproduced below in verbatim:

FORM I

[See sub-rule (1) of Rule 3]





ICMAI
THE INSTITUTE OF
COST ACCOUNTANTS OF INDIA
भारतीय लागत लेखाकार संस्थान
Statutory Body under an Act of Parliament
(Under the jurisdiction of Ministry of Corporate Affairs)

Headquarters:
CMA Bhawan, 3 Institutional Area,
Lodhi Road, New Delhi-110003
Phone : +91-11-24622156-57-58
Website : www.icmai.in

1.	Name of the Complaint: (With membership number, if member of *Institute of Cost Accountants of India)	CMA Harshad Deshpande (M No 25054)
2.	Name of the member/firm against whom complaint is being made: (With membership number/registration number of the firm, if known)	Dushyant Chandrakant Dave (M No 7759) Partner D C Dave & Co.
3.	Latest address of the complaint for communication	403, Kumar Millennium, Paud Road, Pune 411038
4.	Last available professional address of the member or the firm against whom the complaints is made	1101 Dalamal Towers, Nariman Point, Mumbai 400021
5.	Particulars of allegation(s), serially numbered together with corresponding clause/part of the relevant Schedule (s), or Particulars of allegation(s) serially numbered together with clause/part of the relevant Schedule(s) under which the alleged acts commission or omission or both would fall.	1. Respondent had accepted a position as Cost Accountant previously held by another cost accountant in practice without first communicating with him in writing. (Clause (8) of the Part I of First Schedule to the CWA Act, 1959]. 2. Contravenes any of the provisions of this Act or the regulations made there under or any guidelines issued by the Council [Clause (1) of Part II of Second Schedule to the CWA, 1959).





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<p>6. Particulars of evidence(s) adduced in support of the allegation(s) made</p>	<p>Complainant was carrying out Cost Audit of M/S Suktas India Pvt Limited for FY 18-19.</p> <p>Subsequently complainant got to know that D C Dave & Co. was appointed by company for carrying out Cost Audit. The Respondent should have communicated to us in prescribed format before accepting the appointment as cost auditor of Suktas India Pvt Limited Violation of this provision is clear contravention of Clause (8) of Part I of First Schedule to the CWA Act, 1959</p> <p>As per Clause (8) of Part I of First Schedule to the CWA Act, 1959 the written communication to the previous cost auditor has to be made mandatorily by every cost accountant as per the prescribed format and violation thereof will be considered as contravention of Clause (8) of Part I of First Schedule to the CWA Act, 1959. The Respondent should have communicated to us in prescribed format before accepting the appointment as cost auditor of Suktas India Pvt Limited Violation of this provision is clear contravention of Clause (8) of Part I of First Schedule to the CWA Act, 1959.</p>
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7. Name(s) of person who have knowledge of the facts of the case.	Swaroop Athawale, Finance in charge of company
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- 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(138)/2024.
- The complaint dated 22nd May 2024, was duly forwarded to the respondent vide letter No. G/DD/Com-C-138/(M-7759)/01/06/2023 dated 6th June 2024 calling upon the Respondent to submit a written statement in terms of Rule 8(3) of The Rules, 2007 within 21 days from the date of service of the letter under reference.
- The respondent, vide letter dated 8th August 2024 has sent his submitted his written defence statement containing of eighteen pages, which is reproduced below in verbatim:

Quote

Subject: Response to Complaint No. Com/21-CA(138)/2024-CMA Harshad Deshpande vs. CMA Dushyant Chandrakant Dave

Dear Sir/Madam,

I am writing in response to the complaint registered under Complaint No. Com/21-CA(138)/2024, alleging misconduct on my part as detailed by CMA Harshad Deshpande. I received the complaint on June 07, 2024, and a reply was furnished on June 21, 2024, i.e. within the stipulated 21-day response window which ended on June 24, 2024. I am writing in continuation of the email sent from my office on June 21, 2024.

At the outset, I take strong objection in entertaining a complaint of Mr. Deshpande after six years. It is apprehended that the complainant has misused his position as a member of the Central Council and influenced the disciplinary committee.

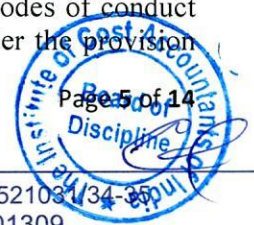
Upon careful review of the allegation presented, I categorically deny any misconduct or violation of professional standards as claimed by the complainant. The accusations are baseless and unfounded. Please find my submissions as follows:

- The alleged complaint pertains to a matter six financial years ago (in FY18-19) which is well beyond the Statute of Limitations in this regard.
 - For the past 6 financial years, the complainant has never raised any concern with regard to this matter. This may be duly verified with the complainant to produce evidence, if any, of such a grievance in the last 6 years.
- The alleged complaint arises from the complainant's malafide intent to defame the undersigned for reasons detailed below. In the complainant's capacity as a member of the Central Council, it is critical for a copy of his complaint and this response to be circulated among the Central Council to investigate the reasons for this





- misconduct by the complainant in filing a complaint without cause.
3. With respect to the captioned alleged complaint, I submit that the complainant was duly notified by my firm DC Dave & Co by post and communicated to as per the prescribed format at that time. It is also surprising that the complaint is made against me, whereas the engagement partner of the firm for the client then Mr. Richard Correa had sent him the intimation.
 - a. A copy of the letter posted is enclosed with this email.
 - b. The original had been handed over to the complainant. However, our firm has not been able to fetch the postal receipt of the communication now after six years. Moreover, the company (Client) has confirmed that its company secretary had also duly intimated then erstwhile Cost Auditor (Complainant) about him getting replaced by our firm D C Dave & Co.
 - c. It is relevant to note that in these six financial years, the company the complainant refers to (Soktas India Private Limited) has been merged with parent company and subsequently its name is changed to Grasim Premium Fabrics Private Limited in March 2019 before our appointment of D C Dave & Co. as Cost Auditor.
 - d. Further, it is relevant to note that the undersigned firm IDC Dave & Col has itself been reconstituted twice since 2019. The Intimation letter found in our records has been signed and submitted by the erstwhile Partner, the late Richard Correa, and the same is enclosed with this letter.
 4. It is pertinent to note that the complainant preferred to gain undue advantages of the undersigned's support and mentorship in the development of the complainant's career as an IP, a valuer, and a CMA .
 - a. This is evidenced by the undersigned agreeing to elect the complainant to the Board of of his group Limited). He was a Whole-time Director (WTD) from January 17.2019 to March 26, 2020. He drew Private remuneration on a success fee model as a WTD. The change in cost auditor of Soktas India Private Limited (known as Grasim Premium Fabric Private Limited) took place in July 2019. The communication of change in the Cost Auditor was also discussed and handed over in person, while he was working with my office.
 - b. The complainant repeatedly used the undersigned's good office and impeccable reputation in the profession of cost accountants as well as Insolvency Professionals for his personal gain.
 - c. When faced with queries regarding his fraudulent conduct at the sister concern, Mr. Harshad Deshpande resigned instead of remedying his transgressions.
 - d. The undersigned filed a complaint with the appropriate authority Insolvency and Bankruptcy Board of India and Institute of Insolvency Professionals of ICAI, on March 15, 2024 and March 22, 2024, respectively.
 - i. A copy of the complaint is enclosed with this reply
 - ii. It is relevant to note that even though the complainant is a practicing Cost Accountant, he has preferred to be registered as an Insolvency Professional through (The Indian Institute of Insolvency Professional of ICAJ) even though he is not a Chartered Accountant.
 - e. I have been in practice for the last over 25 years and in my capacity as a professional and partner, I have religiously followed all the codes of conduct of the institute. Especially about sending communication under the provision





of clause (8) of part 1 of the first schedule of the Cost and Work Accountant Act, 1959. We have sent intimations to Diwanji & Co., RA & Co., ABK & associates, R. Nanabhoy & Co. among others whenever our Partnership firm got appointed as cost auditors and replaced them.

- f. As retaliation to the aforementioned complaint (which details significant concern regarding the complainant's ability to be a professional in any field), the Institute should suo moto take stern action against the complainant for filing mischievous complaint against other member and make blatantly false statements and misrepresented the facts of the matter in an attempt to undermine the their reputation.

For repeated and continuous violations of trust and law, the undersigned has blacklisted the complainant across all his business interests and entities. I have always conducted my professional duties with the highest standards of integrity and ethical behaviour. The accusations made by CMA Harshad Deshpande do not reflect my professional conduct and are contrary to my established record of service. This can be vouched and verified with any of my clients at any time.

For the aforementioned reasons, I urge the institute to take appropriate action against the complainant making attempts to tarnish my impeccable reputation and high standards of ethics built over 30 years of practice and discourage the indecorous use of rights and platforms provided by the institute.

I trust that such strategies and tactics on behalf of the complainant are clear for all to see at the Institute of Cost Accountants. I am available for any additional information you may require to initiate a thorough investigation of the complainant's actions and conduct.

The undersigned reserves his right to initiate appropriate legal action against the complainant for the evident attempts to defame and tarnish the undersigned's reputation.

Thank you for your attention to this response. Please do not hesitate to contact me if any further information or clarification is required.

Sincerely,

For D. C. Dave & Co.

Cost Accountants

Dushyant Dave

Senior Partner

Membership No. M7759

Firm Registration No. 000611

Email id:

pushvant.dave@dcdave.in

Enclosures:

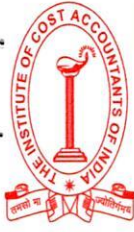
Copy of Complaint filed against Harshad Deshpande by my group company, Decode Resolvency International Private Limited on March 22, 2024.

Letter to Harshad Deshpande dated July 08, 2019

Unquote

6. The written statement dated 8th August 2024 was forwarded to the complainant under the cover of letter No. G/DD/Com-CA(138)/2025/C-03/05 dated 24th July 2025 calling upon





the complainant to submit a rejoinder in terms of sub-rule (4) of Rule 8 of The Rules, 2007.

7. The Complainant, vide letter dated 9th September 2025 submitted his Rejoinder containing of 52 pages, The rejoinder submitted by complainant is reproduced below in verbatim:

Quote

Sub:-In the matter of Complaint No. Com/21-CA(138)/2024 – CMA Harshad Deshpande (M/25054) [Complainant] Vs. CMA Dushyant Chandrakant Dave (M/7759) [Respondent]

Sir,

With reference to the above, this is to state that I have received your letter No. G/DD/Com-CA(138)/2025/C-03/05 dated 24.07.2025 on the subject together with the defence i.e., written statement dated 8th August 2024 of the respondent.

I am now forwarding my rejoinder on the written statement in terms of Rule 8(4) of the Cost and Works Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2006 This is WITHOUT PREJUDICE to my rights and privileges to institute any other suits/legal proceedings in any other legal forum.

The respondent in his written statement dated 8th August 2024 refers to an email dated 21st June 2024 which, however, has not been forwarded to me for reasons not on record. The written statement dated 8th August 2024, as contended by the respondent, appears to be a continuation of his email dated 21 st June 2024 sent from his office. Be it as it is, the complainant is proceeding to send his rejoinder on the written statement based on materials and documents that have been made available to me by the Disciplinary Directorate and those which are on record.

Please find below my point wise rejoinder on the written statement in seriatim:

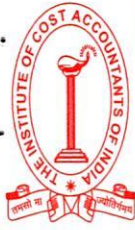
- 1. The respondent contends that the 'alleged' complaint pertains to more than 06 (six) years and therefore is barred by Limitation:-** it is unfortunate that the respondent being a senior member of the profession is not aware of the provisions of Rule 12 of the Cost and Works Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2006 which pertains to the limitation period for entertaining complaints or information about misconduct. Specifically, it states that the if the Director (Discipline) satisfied that there would be difficulty in securing evidence or that a time lag or procedural changes would make the inquiry difficult, may refuse to entertain a complaint or information about misconduct made more than seven years after the alleged misconduct occurred. The natural interpretation of this provision is that the Director (Discipline) SHALL entertain a complaint for a period not exceeding seven years and the complainant's complaint falls well within the stipulated period of seven years and therefore, is not barred by the law of limitation.
- 2. For the past six financial years, the complainant has never raised concern**





- with regard to this matter:-** Since the law specifically has provided a time period of seven years as stated in para (1) above, it is up to the complainant to decide/ choose his time for filing the complaint. The complainant can file a complaint any time within a period of seven years from the date of commission of the alleged offence and merely because the complaint has been filed after a period of six years does not validate an illegal action done by the respondent.
3. **In the complainant's capacity as a member of the Central Council, it is critical for a copy of his complaint and this response to be circulated amongst the central Council to investigate the reasons for this misconduct by the complainant in filing a complaint without cause:-** This statement made by the respondent very clearly brings out the juvenility and the immaturity of the respondent as he has no knowledge about the Cost and Works Accountants Act, 1959 and the rules made thereunder. The respondent does not know that post 2006, complaints relating to professional and other misconduct have been brought under separate Rules namely the Cost and Works Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2006. There is no provision in the CWA Act/Regulations for circulating a complaint or making it public amongst the central Council to investigate the reasons for this misconduct. Incidentally, the Investigation of the complaint is made by the Disciplinary Directorate under Section 21 of the Cost and Works Accountants Act, 1959 and the Council has no role to play in such investigation. In fact, both, the Board. of Discipline constituted u/s 21A and the Disciplinary Directorate constituted u/s 21B of the cost and Works Accountants Act, 1959 are the creations of the Council and the Disciplinary Directorate is vested with unfettered powers to conduct investigations under the Act. The respondent should also do well to bear in mind that no member of the Council, enjoys any special power/authority in the matters of disciplinary complaint and the entire disciplinary mechanism stands on the bedrock of equality and parity. Thus, the counter allegation made by the respondent in the second para of his written statement dated 8th August 2024 is not only false and baseless but is also contemptuous, excoriating and opprobrious, challenging the sanctity of a quasi-judicial body. The complainant hereby demands that the respondent should tender an unconditional written apology for the unconstitutional language used by him towards Disciplinary Committee.
4. **With respect to the captioned alleged complaint, the complainant was duly notified by the firm D C Dave & Co by post and communicated to as per the prescribed format at that time:-** The complainant denies having received the letter and hence the instant complaint. If due communication was made by the respondent to the complainant, the respondent must produce the receipted copy of the letter forthwith. No such communication, in fact, has ever been made by the respondent and this is brought out by the respondent in para 3b. of his written statement, which is discussed below.
5. **The original had been handed over to the complainant. However our firm has not been able to fetch the postal receipt of the communication now after six years:-** The respondent himself admits that neither the respondent nor his firm is in possession of the receipted copy of the letter stated to have been sent by the him or his firm to the complainant. This admission by the respondent is an admission of guilt. Had the respondent communicated the acceptance of his





assignment as the cost auditor of Suktas India (P) Ltd to the complainant, the former would have retained the receipted copy of such communication. But since, there was no communication made from the respondent to the complainant on this ground, the respondent has nothing on record and this further corroborates my statement about the respondent violating the provisions of Clause (8) of Part I of the First Schedule of the Cost and Works Accountants Act, 1959. This provision deals with professional misconduct related to the acceptance of a position as a Cost Accountant previously held by another Cost Accountant in practice. Specifically, it mandates that a cost Accountant in practice, before accepting such a position, must communicate in writing with the previous Cost Accountant about the impending appointment. This communication is required to ensure transparency and continuity in the audit process.

6. **In these six financial years, the company Suktas India (P) Ltd has been merged with parent company and subsequently, its name changed to Grasim premium Fabrics Limited:-** This statement is irrelevant and has been made to confuse and mislead the Disciplinary Directorate since even if the name of the company is changed, the communication, if really made six years before would remain in the name of the earlier company only.
7. **Further, the firm D C Dave & Co. has itself been reconstituted twice since 2019:-** This is an irrelevant statement and have no bearing with the facts of the case and the allegation made by the complainant.
8. **The respondent states that the complainant preferred top gain undue advantages of the respondent's support and mentorship in the development of the complainant's career as an IP, Valuer and a CMA:-** The complainant completely denies this statement and today whatever little has been achieved by the complainant professionally, is all due to his sincere efforts, hard work and honesty and integrity. If the respondent feels that the complainant has gained by way of undue advantage through his support and mentorship, let him place on record the details thereof. Even if for the sake of argument, it is assumed (but not admitted) that the complainant had received the support and mentorship of the respondent, this does not give license to the respondent to indulge in unethical and illegal action. Neither this bars the complainant from lodging any complaint against the respondent.
9. The respondent states that he had agreed to elect the complainant to the Board of his group company (an IBBI registered Insolvency professional Entity - M/s Decode Resolvency International Private Ltd):- This is an irrelevant statement and have no bearing with the facts of the case and the allegation made by the complainant.
10. **The respondent states that the complainant repeatedly used his good office and impeccable reputation in the profession of cost accountancy as well as Insolvency Professionals for his personal gains:-** This is an irrelevant statement and have no bearing with the facts of the case and the allegation made by the complainant. However, the respondent should come up with conclusive evidence in support of his statement rather than making a statement casually.
11. **The complainant filed a complaint with the appropriate authority i.e. IBBI and the IPA of the ICAI on 15.03.2024 and 22.03.2024 respectively:-**





This is an irrelevant statement and have no bearing with the facts of the case. However, both these cases against the complainant have been dropped. Rather cases have been filed against the respondent with the IBBI and he has been penalized. The few orders are enclosed for your reference. These orders are also available on IBBI website. The respondent is habitual law offender and should be punished strictly as per law.

I crave leave to add/alter/amend/modify my rejoinder at any time during the continuation of the proceedings.

Thanking you,
Yours faithfully,
CMA Harshad Shamkant Deshpande
Membership No 25054
Unquote

8. Investigation and Analysis

- a) During the course of Investigation, CRA-2 filed by Auditee company has been taken on record and following are observed from the CRA-2

Particulars	Details
Name of Auditee Company	M/s GRASIM PREMIUM FABRIC PRIVATE LIMITED (Erswile known as M/s Sektas India Pvt Limited)
Financial Year	2019-20
Name of the New Cost Auditor Firm	D. C. DAVE & CO. (FRN 000611)
Date of Board Meeting (for Appointment of Cost Auditor)	19 th July, 2019
Date of filing CRA-2	16 th August, 2019
Date of Consent to Company for appointment of cost Auditor by Respondent	11 th July, 2019
Communication to previous auditor	8 th July, 2019, however no proof of communication with previous Auditor

- b) It is further noted that the Institute, vide Notification No. G/128/10/2022(3) dated 25th October, 2022, prescribed the mode (Registered/ Speed Post) and format of





communication with the previous auditor and clarified that non-compliance would attract disciplinary action under Clause (8) of Part I of the First Schedule to the Act. The said notification is prospective in nature and was not in force during the relevant period (FY 2019-20).

- c) From the analysis of above information, it is crystal clear that the respondent has made the communication with previous auditor vide letter dated 8th July, 2019 before giving consent for appointment to auditee company and before filling the CRA-2 by Auditee company. However, Respondent failed to submit the proof was service of communication with previous Auditor.

9. Comments and finding of the Disciplinary Directorate

- a) In the instant matter, the allegation against the Respondent is confined to the charge that he accepted a position as Cost Accountant previously held by another Cost Accountant in practice without first communicating with him in writing, which is alleged to be in contravention of Clause (8) of Part I of the First Schedule to the Cost and Works Accountants Act, 1959. It has further been alleged that such conduct also attracts the provisions of Clause (1) of Part II of the Second Schedule to the Act, inasmuch as it amounts to contravention of the provisions of the Act, the Rules, or the guidelines issued by the Council.
- b) The Respondent, in his written statement, has, inter alia, contended that:
- the complaint pertains to a period nearly six years prior to its filing and is therefore liable to be rejected on the ground of limitation;
 - communication with the previous Cost Auditor was duly made at the relevant time, though documentary proof is not presently traceable due to passage of time; and
 - the complaint is motivated and retaliatory in nature.
 - The Respondent has denied all allegations of professional misconduct.
- c) The Complainant, in his rejoinder, has refuted the submissions of the Respondent and asserted that:
- the complaint has been filed within the limitation period prescribed under Rule 12 of the Rules, 2007;
 - no communication, as required under Clause (8), was ever received; and





- the Respondent has failed to produce any documentary evidence to substantiate the alleged communication.
- d) Upon consideration of the material available on record, it is observed that:
- the appointment of the Respondent as Cost Auditor was made pursuant to Board approval dated 19th July, 2019;
- Form CRA-2 was filed on 16th August, 2019; and
- the complaint has been filed on 22nd May, 2024, i.e., within a period of approximately seven years from the date of the alleged misconduct.
- e) Accordingly, the objection raised by the Respondent regarding limitation is not sustainable in view of Rule 12 of the Rules, 2007. In view of the above, the contention of the Respondent that the complaint is barred by limitation is not sustainable in view of Rule 12 of the Rules, 2007
- f) It is a settled requirement of professional conduct under Clause (8) of Part I of the First Schedule that a Cost Accountant, before accepting an assignment previously held by another Cost Accountant, shall communicate in writing with the previous incumbent.
- g) Upon the Investigation, it is observed that consent for appointment to audited company on 11th July, 2019 and company has filed the CRA-2 on 16th August, 2019. However, Respondent failed to submit the proof was service of communication with previous Auditor.
- h) In the instant case, the Respondent has placed reliance on a letter dated 8th July, 2019, purportedly addressed to the previous Cost Auditor. However, the Respondent has not been able to produce any evidence to establish the service of the said communication upon the previous Cost Auditor. In the absence of proof of dispatch or delivery, the authenticity and evidentiary value of the said communication remain unsubstantiated.
- i) In disciplinary proceedings of this nature, the burden lies on the Respondent to demonstrate compliance with the mandatory requirement of prior communication. Mere production of an unserved copy of communication, without corroborative evidence of service, is insufficient to conclusively establish compliance.
- j) In the absence of proof of service of the communication upon the previous Cost Auditor, the said document appears to be an afterthought and lacks evidentiary





credibility.

10. Findings and order of Board of Discipline

- a) The Board has carefully considered the complaint, the written statement filed by the Respondent, the rejoinder submitted by the Complainant, and the material placed on record, including the comments of the Disciplinary Directorate.
- b) The Board observes that the alleged misconduct pertains to the Financial Year 2018–19, whereas the complaint has been filed on 22nd May, 2024. The complaint is thus within the period of limitation prescribed under Rule 12 of the Cost and Works Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007, and is accordingly maintainable.
- c) The limited issue for consideration is whether the Respondent complied with the requirement of Clause (8) of Part I of the First Schedule, i.e., whether he communicated in writing with the previous Cost Auditor prior to accepting the assignment.
- d) The Respondent has relied upon a communication dated 8th July, 2019, which is stated to have been issued prior to giving consent to the Auditee Company on 11th July, 2019 and prior to filing of Form CRA-2 on 16th August, 2019. However, it is an admitted position that no documentary evidence evidencing dispatch or service of the said communication upon the previous Cost Auditor has been produced by the Respondent.
- e) The Board upheld the view of Director (Discipline) that in disciplinary proceedings of this nature, the burden lies on the Respondent to demonstrate compliance with the mandatory requirement of prior communication. Mere production of an unserved copy of communication, without corroborative evidence of service, is insufficient to conclusively establish compliance.
- f) The Board observes that the Institute, vide Notification No. G/128/10/2022(3) dated 25th October, 2022, has prescribed the specific mode and format of such communication, including dispatch through Registered/Speed Post. The said notification is prospective in nature and was not in force during the relevant period (FY 2018–19).
- g) In the absence of any prescribed mode of communication during the relevant period, and considering that the Respondent has produced a contemporaneous





- document indicating that communication was initiated prior to acceptance of the assignment, the Board is of the view that the benefit of doubt may be extended to the Respondent.
- h) The Board also takes note of the Respondent's submission regarding the non-availability of supporting documentary evidence, attributed to the lapse of time and the reconstitution of the firm on two occasions since 2019, which, in the facts and circumstances of the case, cannot be completely disregarded.
- i) While the Board is of the considered view that non-maintenance and non-preservation of relevant records for the requisite period is not in consonance with good professional practice, it, having regard to the passage of time and the circumstances explained by the Respondent, adopts a lenient view and is not inclined to hold the Respondent guilty of professional misconduct under Clause (8) of Part I of the First Schedule to the Act.
- j) However, the Board advises the Respondent to ensure that, in future, all relevant statutory and professional records are duly maintained and preserved for the prescribed period so as to facilitate verification, if required.
- k) Accordingly, the Board, in exercise of powers conferred under Rule 9(3)(a) of the Cost and Works Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007, orders closure of the case.
- l) The matter stands disposed of accordingly.

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

P.K. Pujari
Shri P.K. Pujari, IAS (Retd)
(Presiding Officer)

Place: New Delhi
Date: 31st March 2026



Distribution under Rule 15(3) of the Rule

- 1) Director(Discipline), The Institute of Cost Accountants of India
- 2) Complainant, CMA Harshad Deshpande (M/25054)
- 3) Respondent, CMA Dushyant Chandrakant Dave(M/7759)