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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Date of Decision: September 28th, 2026***

\# **CNR No. DLHC010466122026**

\+ **W.P.(C) 14305/2026**

SHEKHAR SHARMA .....Petitioner

Through: Mr. Aayush Agarwala & Mr. Gaurav Verma, Advs.

versus

THE INSTITUTE OF CHARTERED ACCOUNTANT OF INDIA & ANR. .....Respondents

Through:

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

AMIT MAHAJAN, J. *(Oral)*

1. The present petition is filed assailing communication dated 27.07.2026 issued by Respondent No.1 conveying the decision of its Board of Discipline taken in its 391st Meeting held on 19.06.2026, whereby the Board has declined to concur with the *prima facie* Opinion dated 13.03.2018 of the Director (Discipline) holding Respondent No.2 guilty of 'Other Misconduct' under Section 22 read with Item (2) of Part IV of the First Schedule to the Chartered Accountants Act, 1949, and closed the Petitioner's complaint bearing Reference No. PR-38/2017-DD/51/2017.

2. Briefly stated, the petitioner had filed a complaint against Respondent No.2, a Chartered Accountant, alleging that Respondent No.2 had facilitated unauthorised access to and alteration of the petitioner’s Income Tax account. The Director (Discipline), upon

consideration of the complaint and the material on record, formed a *prima facie* opinion dated 13.03.2018 holding Respondent No.2 guilty of "Other Misconduct" under Section 22 read with Item (2) of Part IV of the First Schedule to the Chartered Accountants Act, 1949. The Board of Discipline (hereinafter '**Board**'), however, did not concur with the said opinion and closed the complaint. The Petitioner thereafter approached this Court on two occasions, in *W.P.(C) 202/2018* and *W.P.(C) No.10170/2023*.

3. By order dated 24.04.2023 in *W.P.(C) 202/2018*, a Co-ordinate bench of this Court noted that the earlier decision of the Board did not furnish any reasons for disagreeing with the view of the Director (Discipline) and ordered Respondent No.1 to furnish the reasons for its decision. Upon being unsatisfied with the reasons furnished the petitioner challenged the decision again by *W.P.(C) 10170/2023.*

4. By judgment dated 18.03.2026 in *W.P.(C) 10170/2023*, a Co-ordinate bench of this Court set aside the earlier decision of the Board and remanded the matter for fresh consideration. It was observed that Respondent No.2 was unable to refute the finding that Respondent No.2 had accessed the Petitioner's personal information without his consent. It was further observed that the mere fact that the complaint related to a family dispute could not be a ground to reject allegations concerning violation of statutory norms.

5. Pursuant to the remand, the Board again declined to concur with the *prima facie* opinion and closed the complaint by its decision taken in the 391st Meeting held on 19.06.2026 and communicated the same to the petitioner *vide* the impugned communication.

6. Aggrieved thereby, the present petition has been filed.

7. The learned counsel for the petitioner submits that the Board ought to have considered that Respondent No.2 admittedly permitted the petitioner's wife to access his laptop and furnished the OTP for the petitioner's income tax account in order to allow her to access and alter his account. He submits that such conduct would undeniably fall within the definition of "Other Misconduct" under Item (2) of Part IV of the First Schedule to the Chartered Accountants Act, 1949.

8. He submits that "Other Misconduct" under Item (2) of Part IV of the First Schedule to the Chartered Accountants Act, 1949 expressly extends to conduct bringing disrepute to the profession whether or not related to professional work and thus, absence of any fiduciary relationship between the petitioner and Respondent No.2 would be immaterial. He further submitted that the pendency of criminal proceedings could not oust the independent disciplinary jurisdiction of the Board.

9. Per Contra, the learned counsel for Respondent No.2 vehemently opposes the present petition. He submits that the present complaint arises out of a matrimonial dispute between the petitioner and Respondent No.2's cousin sister. He submits that the petitioner holds a personal grudge against Respondent No.2 and has, therefore, filed a frivolous complaint against him.

10. At the outset, it is necessary to bear in mind the limited scope of interference by this Court in exercise of its jurisdiction under Article 226 of the Constitution. The Court does not sit in appeal over the orders passed by the authority and is concerned primarily with the legality of

the decision-making process. This Court cannot substitute its own view for that of the statutory authority.

11. In the present case, the principal submission of learned counsel for the petitioner is that Respondent No.2 admittedly permitted the petitioner's wife to use his laptop and furnished the OTP received on his mobile in connection with the petitioner's Income Tax account, and that such conduct, by itself, constituted "Other Misconduct".

12. The Board, upon consideration of the material before it, has taken into account the circumstances in which the laptop came to be used and has specifically noted that Respondent No.2 was unaware of the matrimonial dispute between the petitioner and his wife at the relevant time. The Board accordingly found that the material did not justify an inference of *mala fide* intent or deliberate facilitation. The Board has arrived upon the aforesaid findings after appreciating the evidence on record, this Court in exercise of its jurisdiction cannot reappreciate evidence merely because another view may be possible.

13. The Board also took into account that the parties had no professional relationship and that the allegation of Respondent No.2 being the Petitioner's tax consultant was denied by both parties. It was further noted that the Director (Discipline) while giving its *prima facie* opinion had proceeded on the basis that Respondent No.2 was the Petitioner's tax consultant, whereas such relationship was denied by both the parties.

14. While the absence of a fiduciary relationship may not, by itself, exclude the applicability of Item (2) of Part IV of the First Schedule, once the Director (Discipline) has given its *prima facie* opinion of guilt

proceeding on the premise of a fiduciary relationship existing between the parties, absence of the same assumes significance in establishing that the Director (Discipline) erred in making the prima facie opinion of guilt against Respondent No.2.

15. As regards the pending criminal proceedings, their pendency did not, by itself, oust the Board's disciplinary jurisdiction. However, the Board has not merely exonerated Respondent No.2 because criminal proceedings for the allegations of hacking were pending but has specifically observed that the same was not supported by cogent evidence so as to punish Respondent No.2 for misconduct.

16. In view of the above, this Court is of the opinion that the view taken by decision of the Board is a plausible view based on the material before it. Merely because another view may be possible is not a ground for interference in exercise of jurisdiction under Article 226 of the Constitution.

17. Accordingly, no grounds have been made out in the present case, so as to warrant exercise of extraordinary and discretionary jurisdiction by this Court.

18. The present petition is, therefore, dismissed.

19. Pending applications (if any) also stand disposed of.

AMIT MAHAJAN, J

SEPTEMBER 28, 2026
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