

1. Sub: Judgement dated 13th May, 2015 of the Hon'ble Supreme Court of India in a Disciplinary matter

The Apex Court is in agreement with the procedure having been followed by the Disciplinary Committee whereby all such "information" cases which were pending prior to the amendment made in the Chartered Accountants Act, 1949 were considered and processed in accordance with the provisions of the un-amended Act and in terms of the transitional provisions of Section 21D of the amended Act.

The Hon'ble Supreme Court of India in a landmark Judgment delivered on 13th May, 2015 in an appeal filed by a member of the Institute [Respondent in a disciplinary matter] and Others has upheld the Judgment given by the Division Bench of the Hon'ble High Court of Delhi at New Delhi whereby the Division Bench of Hon'ble High Court allowed the appeal of the Institute by holding, inter alia, that the procedure prescribed by the un-amended C.A. Act, 1949 would be applicable to pending proceedings in "Information" Cases and not the procedure prescribed after the amendment made by the Chartered Accountants (Amendment) Act, 2006.

The Hon'ble Supreme Court was pleased to dismiss the appeal filed by the member and the Court agreed that the intention of the legislature in incorporating Section 21D (i.e. transitional provisions) was not to differentiate between disciplinary cases initiated on the basis of 'complaint' and 'information' and that for all cases pending before the Chartered Accountants Amendment Act, 2006, the old procedure, as laid down under Sections 21, 22 and 22A of the unamended Act, would continue to be followed.

From the above judgement, it is clear that the Apex Court is in agreement with the procedure having been followed by the Disciplinary Committee whereby all such "information" cases which were pending prior to the amendment made in the Chartered Accountants Act, 1949 were considered and processed in accordance with the provisions of the un-amended Act and in terms of the transitional provisions of Section 21D of the amended Act.