

29th September 2020

IPAICAI-COST/DC/10

Disciplinary Order

Liability on Insolvency Professional Mr Satya Pal Singh as a member of M/s Shrea Insolvency Professional Private Limited, for the act of taking bribe by Mr. S.K. Aggarwal who is also a member of M/s Shrea Insolvency Professional Private Limited.

A mention was made in the meeting of the Governing Board held on 30th June, 2020 about a news which was circulated on social media a few months back wherein an IP, Mr S. K. Aggarwal being a member of the M/s Shrea Insolvency Professionals Private Limited(IPE), Insolvency Professional Entity, set up by one of the member of IPA ICAI was caught by Central Bureau of Investigation(CBI) while accepting bribe. It was suggested to take up the matter in the Disciplinary committee Meeting to consider and advise in the matter with regard and reference to Regulation 13(3) of Insolvency and Bankruptcy Board of India (Insolvency Professionals) Regulations, 2016:

"An insolvency professional entity shall be jointly and severally liable for all acts or omissions of its partners or directors as insolvency professionals committed during such partnership or directorship."

The Members of the committee in its meeting held on 27th July 2020 directed the Secretary of the Committee to issue Show cause notice after approval of the Chairman. A Show cause notice was issued on 20th August, 2020 to Mr Satya Pal Singh, directing to confirm on affidavit that there was no nexus in the matter wherein the Director of the M/s Shrea Insolvency Professionals Private Limited was caught taking bribe by the CBI. A reply to the Show cause Notice was received on 28th August,2020 in which Mr. Satya Pal Singh has denied being a Director of M/s Shrea Insolvency Professionals Private Limited and has enclosed documents such as a mail from the Director of M/s Shrea Insolvency Professionals Private Limited confirming that Mr. Satya Pal Singh was never a Director of the said IPE, a list of Director's information available on MCA and IBBI portal as proof and also DIN status of himself showing he is not a Director in any company. Further, Mr. Satya Pal Singh has undertaken on affidavit dated 3rd September, 2020 that he was never directly or indirectly appointed as Director of M/s Shrea Insolvency Professionals Private Limited and had no association with Mr. S.K. Aggarwal.

The Committee members deliberated the issue and based on communication received from Mr. Satya Pal Singh, it was concluded that no case for professional misconduct is made out against him.

Conclusion: Considering all the facts and documents produced by Mr. Satya Pal Singh, no case is made out against him.

This order shall come into force from the date of its issue.

Date: 29th September 2020

Place: Delhi

CERTIFIED TRUE COPY

S/d

Mr. Narendra Hooda (Chairman)

Dr. Satya Pal Narang (Member)

Mr. Rakesh Singh (Member)

Mr. Rajendra Bose (Member)
Dr. S.K. Gupta (Member)

Copy to:

1. Insolvency and Bankruptcy Board of India.
2. Insolvency Professional Agency of Institute of Cost Accountants of India - Members
Record