

## APPLICATION ON PAPERS

### CONSENT ORDERS COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

#### REASONS FOR DECISION

**In the matter of:** Mr Vijay Kumar Nayar

**Heard on:** Wednesday, 25 November 2020

**Location:** ACCA, The Adelphi, 1-11 John Adam Street, London,  
WC2N 6AU

**Committee:** HH Graham White (Chair)

**Legal Adviser:** Mr Sanjay Lal (Legal Adviser)

**Persons present**

**and capacity:** Mr Jonathan Lionel (Hearings Officer)

**Summary:** Consent Order Approved

1. A Consent Order is made on the order of the Chair under the terms of Regulation 8 of the Complaints and Disciplinary Regulations 2014 (as amended) ('the Regulations').
2. The Chair considered the following papers:

**ACCA**



+44 (0)20 7059 5000



info@accaglobal.com



[www.accaglobal.com](http://www.accaglobal.com)



The Adelphi 1/11 John Adam Street London WC2N 6AU United Kingdom

- a. Main bundle with page numbers 1-31;
- b. Cost schedule;
- c. Email to member
- d. Draft Consent Order signed by the parties
- e. Email from Mr Nayar dated 12 October 2020

### **ALLEGATION(S)/BRIEF BACKGROUND**

3. The Chair considered a draft Consent Order, which was signed by Mr Vijay Kumar Nayar on 12 October 2020 and on behalf of ACCA on 21 October 2020.

The Association of Chartered Certified Accounts (ACCA) and Mr Nayar (the Parties), agree as follows:

Mr Nayar admits the following:

#### **Allegation 1**

- (a) Between June 2017 and June 2019, Mr Nayar failed to comply with Section B9(5) of ACCA's Code of Ethics and Conduct (as applicable in 2017 to 2019) in that he failed to issue and /or retain an engagement letter to Company A on a timely basis.
- (b) By reason of the conduct at 1(a) above, Mr Nayar is guilty of misconduct pursuant to bye-law 8(a)(i).

#### **Allegation 2**

- (a) Between June 2017 and June 2019, Mr Nayar failed to comply with Sections B2(9) and B2(17) of ACCA's Code of Ethics and Conduct (as applicable in 2017-2019) in that he failed to obtain and /or retain client identification documentation prior to commencing work on Company A.
- (b) By reason of the conduct at 2(a) above, Mr Nayar is guilty of misconduct pursuant to bye-law 8(a)(i)

#### **Allegation 3**

- (a) In June 2017, Mr Nayar failed to:
  - i. Prepare accounts for Company A which were compliant with the relevant accounting standards

ii. Supervise the staff working on the preparation of the accounts of Company A

b) By reason of the conduct at 3(a) above, Mr Nayar failed to comply with Section 130 (the Fundamental Principle of Professional Competence and Due Care) of ACCA's Code of Ethics and Conduct (as applicable in 2017).

c) By reason of the conduct at 3(a) above, Mr Nayar is guilty of misconduct pursuant to bye-law 8(a)(i)

#### **Allegation 4**

a) Between July 2019 and December 2019, Mr Nayar failed to reply to any or all of the requests for reasonable transfer information send by Client A's proposed accountant contrary to Section 321.13 and 320.14 of ACCA's Code of Ethics and Conduct ( as applicable in 2019)

b) By reason of his conduct at 4(a) above, Mr Nayar is guilty of misconduct pursuant to bye-law 8(a)(i)

That Mr Nayar shall be reprimanded and shall pay costs to ACCA in the sum of £1242 and a fine of £5000 due to failure to retain client identification documentation.

4. The Chair recognised that the Consent Order Committee could approve any signed draft Consent Order that a Disciplinary Committee would have the power to make under Regulations 13 and 15 of the Regulations, except a sanction of excluding Mr Nayar from membership.
5. In considering the matter and the draft Consent Order, the Chair had regard to ACCA's Guidance for Disciplinary Sanctions and Guidance for Consent Orders.
6. The Chair was satisfied that the signed draft Consent Order should be approved in accordance with his power under Regulation 8 of the Regulations; this was not a case where it was more likely than not that a Disciplinary Committee would order that Mr Nayar should be excluded as a member of ACCA.
7. The Chair accepted the aggravating features set out by ACCA in its report. He also agreed with the mitigating circumstances identified by ACCA. The Chair noted the nature of inefficient or incompetent work. In terms of mitigation the Chair noted that Mr Nayar has no previous matters with the ACCA; he has cooperated fully with the investigation; the conduct arose out of Mr Nayar's illness; he has shown insight and he has taken corrective steps to ensure that these errors do not occur again

8. The Chair was satisfied that it would be proportionate to conclude the matter with a reprimand and a fine of £5000.
9. As part of the signed draft Consent Order, Mr Nayar had agreed to pay costs to ACCA in the sum of £1242. The Chair considered that this was not an unreasonable amount and that Mr Nayar had agreed to the amount claimed.
10. The Chair approved the draft Consent Order.

**HH Graham White**  
**Chair**  
**25 November 2020**