Think Ahead ACCA

HEARING

DISCIPLINARY COMMITTEE OF THE ASSOCIATION OF CHARTERED CERTIFIED ACCOUNTANTS

REASONS FOR DECISION

In the matter of:	**Mr Milan Chandulal Pandya**
Heard on:	**Wednesday & Thursday, 04 & 05 November 2026**
Location:	**Remotely via Microsoft Teams**
Committee:	**Ms Ilana Tessler (Chair)** **Mr George Wood (Accountant)** **Mr Roger Woods (Lay)**
Legal Adviser:	**Ms Charlotte Pope-Williams**
Persons present and capacity:	**Mr Richard Ive (Case Presenter on behalf of ACCA)** **Mr James Pretsell (Counsel for Mr Pandya)** **Ms Aimee Murphy (Hearings Officer)**
Summary	**Allegations 1, 2, 3, 4.1, 5, 6, and 7.1 proved** **Exclusion from ACCA membership with immediate effect**
Costs:	**£12,000**

1. ACCA was represented by Richard Ive. Mr Pandya attended the hearing, and he was represented by James Pretsell of Counsel. The hearing was conducted remotely through Microsoft Teams.

2. The Committee had before it the following documents: (i) a Bundle of 527 pages (the "Main Bundle"); (ii) a 23-page Service Bundle; (iii) a 19-page Additionals Bundle (the "Additionals Bundle"); (iv) a 3-page Defence Skeleton Argument by

James Pretsell filed and served on Mr Pandya's behalf; (v) a 2-page Adjournment Decision dated 15 October 2026 (the "Adjournment Decision"); (vi) 8-pages of documents containing Mr Pandya's request for an adjournment relating to the Adjournment Decision; (vii) ACCA's 32 page response to Mr Pandya's adjournment request relating to the Adjournment Decision; (viii) ACCA's 10-page written closing submissions; (ix) 1-page Excel sheet setting out Mr Pandya's financial means; (x) 1-page Simple Costs Schedule and (xi) a 1-page Detailed Costs Schedule (together "the bundle of documents").

PRELIMINARY APPLICATIONS

3. No formal preliminary applications were made by ACCA or Mr Pandya. However, Mr Pretsell, on behalf of Mr Pandya, requested that the record be corrected in respect of the facts about the time taken for ACCA to investigate matters relating to Mr Pandya and to bring disciplinary proceedings. Mr Pretsell made this request in the context of the Adjournment Decision which formed part of the bundle of documents for the hearing.

4. Mr Pretsell made clear that Mr Pandya did not challenge the Adjournment Decision, he did not invite the Committee to revisit it, and Mr Pandya accepted it.

5. The Adjournment Decision provides that Mr Pandya's counsel's *'request for more time to complete the case management form went unanswered for over a year but that is contradicted by information provided by ACCA'.* Mr Pretsell submitted that the description of the facts in relation to communication or lack thereof between Mr Pandya, his counsel and ACCA was not quite accurate.

6. The Committee noted that the Adjournment Decision recorded that Mr Pandya had requested an adjournment due to a family holiday. However, the Committee accepted that the record should accurately reflect the correct factual position, notably where the timing of ACCA's investigation formed part of the evidence and submissions at the hearing. The Committee therefore accepted that the correct factual position in respect of Mr Pandya's and his counsel's contact with ACCA was that:

a. Mr Pandya's counsel's communication with ACCA of 10 June 2025 and subsequent follow-up communications did not receive a substantive response from ACCA until 26 June 2026.

b. In an email of 25 June 2026 at 16:06, ACCA apologised to Mr Pandya for its clear delay in responding to his counsel's email of 10 June 2025.

7. The Committee accepted that the bundle of documents reflected the facts described at 6 (a) and 6 (b) above, that those facts reflected the accurate position and that, where necessary and appropriate, it should have regard to those facts in this hearing.

ALLEGATIONS (as amended)

Milan Chandulal Pandya FCCA,

1. *In relation to an ACCA monitoring visit to his firm (the firm) on 07-08 December 2022 failed to provide to the Senior Compliance Officer (SCO) for inspection at the commencement of the visit as had been previously requested by them the firm's audit files in respect of the audits of:*

    1.1. Company B's accounts for the year ended 30 June 2021.
    1.2. Company C's accounts for the year ended 31 December 2021

2. *By reason of the matters referred to in allegation 1 above, breached regulation 14(2) and/or 14(3) of the Global Practising Regulations.*

3. *On 15 December 2022 provided the SCO with the firm's audit file in respect of the audit of Company D's accounts for the year ended 31 October 2021 containing documents which had been added and/or amended on or after 09 December 2022 in order to provide additional and/or better 'evidence' to support the audit opinion which had been previously given on 14 June 2022, full particulars of which are set out in Schedules A, B, and C to these allegations.*

4. *By reason of the matters referred to in allegation 3 above:*

4.1. Was dishonest, in that he provided the firm's audit file to the SCO knowing the contents of the file had been altered after the relevant audit had been completed; or in the alternative

4.2. Such conduct demonstrates a lack of integrity

5. *In respect of the Review section of a 'fit and proper form for an individual' regarding Person X completed on or about 01 June 2022, failed to explain why he had concluded that Person X was 'fit and proper' to conduct audit work.*

6. *By reason of the matters referred to in allegation 5 above, breached the fundamental principle of professional competence and due care (2022)*

7. *By virtue of any or all of the facts above, is:*

7.1. Guilty of misconduct pursuant to bye-law 8(a)(i); or in the alternative;

7.2. Liable to disciplinary action pursuant to bye-law 8(a)(iii) in respect of allegations 2, and 6 only.

BACKGROUND

8. Mr Pandya, FCCA is a Partner at Sterling Associates.

9. On 07 and 08 December 2022, ACCA's Senior Compliance Officer ("SCO") made an in-person visit to Mr Pandya's firm, Sterling Associates (the "firm") as part of a routine ACCA first review to monitor the standard of the firm's audit work, to confirm the firm's eligibility for registered audit status and to monitor the firm's compliance with the applicable Chartered Certified Accountants Global Practising Regulations 2003 (the "Audit Review").

10. The Audit Review continued remotely after the in-person visit to the firm in December 2022. On 24 January 2023, the Audit Review concluded with a closing meeting held on MS Teams.

11. On 17 April 2023, the SCO made an internal referral to ACCA's Admissions and Licensing Committee about the matters arising from the Audit Review and the SCO's referral identified two matters of concern:

    a. First, it appeared to the SCO that dates could have been removed from working papers submitted as part of the Audit Review in a potential attempt to hide the date that the relevant file was created.

    b. Second, it appeared to the SCO that Mr Pandya may have signed a Fitness and Propriety form on 01 June 2022 in respect of an individual who had been reprimanded and excluded from membership of the Institute of Chartered Accountants of England and Wales ("ICAEW") and who continued to work as a consultant at the firm, without considering that person's eligibility to carry out audit work for the firm.

12. The SCO's referral recommended that ACCA remove Mr Pandya's practising certificate with audit qualification and the firm's auditing certificate.

13. ACCA commenced an investigation into Mr Pandya as a consequence of the SCO's referral.

DECISION ON FACTS/ALLEGATION(S) AND REASONS

14. The Committee carefully considered all the evidence before it.

15. The Committee also noted and considered the live witness evidence given during the course of the hearing, including live evidence from Mr Pandya, Person A (on behalf of Mr Pandya) and the SCO who conducted the Audit Review.

16. The Committee found all live witnesses to be honest. The Committee observed that Mr Pandya was on the whole credible, honest and frank. The Committee noted that Mr Pandya sometimes struggled with points of detail due to the passage of time since the incidents in question occurred. The Committee found Person A to be credible, clear, knowledgeable and articulate. The Committee noted that the SCO was focused, articulate and credible and conceded points where it was appropriate to do so.

17. All the witnesses who attended the hearing were cross-examined. The Committee took this factor into account as part of their deliberations in respect of the cogency of the live evidence given.

18. The Committee took into account the oral submissions made by Mr Ive on behalf of ACCA and those made by Mr Pretsell on behalf of Mr Pandya. The Committee also accepted the advice of the Legal Adviser.

19. The Committee kept in mind that the burden of proving allegations rests with ACCA and that the standard of proof is the balance of probabilities.

Allegation 1

20. Further to Mr Pandya's admission to the entirety of allegation 1 in writing, albeit that misconduct in this regard was denied and Mr Pandya accepted liability pursuant to Byelaw 8(a)(iii). Mr Pretsell confirmed that admission by Mr Pandya at the outset of hearing. The Committee therefore found that Allegation 1 had been proved.

Allegation 2

21. Mr Pandya also admitted to all of allegation 2 in writing, denying misconduct in respect of this allegation but accepting liability pursuant to Byelaw 8(a)(iii). Mr Pretsell confirmed Mr Pandya's admission to allegation 2 at the start of the hearing after the allegations were read by the Hearings Officer. The Committee accordingly found that allegation 2 had been proved.

Allegation 3

22. As to Allegation 3, which was expressly denied by Mr Pandya, the Committee noted the precise wording on the allegation which was highlighted in Mr Pretsell's skeleton argument on behalf of Mr Pandya. The Committee observed that ACCA not only had to prove that the file about Company D's audit was amended and/or added to but that those actions were taken *'in order to provide additional and/or better 'evidence' to support the audit opinion'.* The Committee considered the two elements of the allegation: (i) whether the audit file for Company D had been amended and/or added to and (ii) if Company D's audit

file had been amended, whether this had been done to provide additional or better evidence to support the firm's audit opinion about Company D.

23. The Committee noted that there were three factors that were particularly relevant to whether the audit file of Company D had been altered. Those were: (i) two pages of the VAT return report for Company D which contained a time followed by the word 'on' and there being a gap after the word 'on' with no date following it;(ii) dates being present on some pages of Company D's audit file and not on others; and (iii) the undated handwritten notes on parts of the file.

24. The Committee noted that Mr Pandya gave live evidence under cross examination that he printed Company D's file after the conclusion of the SCO's in-person visit on 08 December 2022. During his live evidence Mr Pandya accepted that at least some of Company D's file was available in electronic form and available for printing at the time of the SCO's in-person visit at the firm. This was inconsistent with Mr Pandya's earlier position where he told the SCO that Company D's full audit file was only available in hardcopy, that it had been sent to Company D's bookkeepers and that the firm had asked Company D's bookkeepers to return the full hardcopy file so that it could be provided to the SCO thereafter.

25. The Committee noted the SCO's live evidence relating to the presence or absence of dates on documents printed from accounting software packages such as IRIS. The SCO gave evidence that they were not a computer or technical expert, they did not have an IT background and they could not specifically comment on how one would go about setting up a template on the IRIS accounting software which was used by the firm at the material time. However, they explained that in their years of experience as an SCO and in practice undertaking audits that all of the accounting software they had used would always include a date on any printouts. The SCO gave evidence that in all of their experience, they had never known accounting software to give a time but not a date, particularly in reference to Company D's audit file which contained times but not dates.

26. The SCO said that the date on audit reports was particularly important because it is evidence about when an audit report was completed and whether sufficient evidence was available at the time of the audit report to support the audit opinion contained in it. The Committee noted that ACCA needs to understand

when an audit report was completed to understand whether there has been compliance with regulatory requirements such as the International Standard on Auditing 230 which only permits new or additional audit procedures or the drawing of new conclusions after the date of an auditor's report in exceptional circumstances.

27. The Committee also noted the SCO's evidence that the anomalies on the documents provided by the firm as part of the Audit Review caused them to have concern. In particular, the SCO highlighted (i) the missing dates on Company D's VAT returns; and (ii) that some pages on Company D's audit file contained the date 09 December 2022, which was significantly after the date when administrative amendments could be made to Company D's audit report, and some pages had no date at all but did have a gap where the date would ordinarily appear. Those anomalies caused the SCO to draw the inference that the document was created after Company D's audit report was signed on 14 June 2022. The SCO highlighted that what is material is that the documents relevant to an audit report must exist at the time the audit report is signed.

28. In respect of Company D's VAT return the Committee noted that the only missing element appeared to be the date, and the date on the document would be one of the main ways in which t ACCA could tell when the document was created.

29. The Committee considered Mr Ive's submission that on one page of Company D's nominal ledger account printout which formed part of its audit report there was a lone '5'. That '5' was in the position of the second '5' of the time 9:55 which was shown on two other pages of Company D's audit file which contained the date 09 December 2022 and the time 9:55.

30. The Committee noted that Mr Pandya was not able to provide a clear explanation for why dates were missing from Company D's audit file but that during his live evidence he accepted that Company D's bookkeeper had no reason to remove dates from Company D's audit file before it was returned to the firm following the SCO's in-person visit.

31. The Committee took note of Person A's explanation for the fact that dates were missing on 56 pages of Company D's audit file. Person A said that Company D's audit file could have been printed by two different computers, by different

printers and at different times and that this could explain the missing dates on some of the pages. The Committee considered Person A's explanation about the missing dates on Company D's files to be possible but implausible in the circumstances.

32. The Committee observed that both Mr Pandya and Person A accepted that handwritten notes could only have been added to Company D's audit file after it had been printed. Both Mr Pandya and Person A also accepted that the handwritten notes should have been signed and dated. In his live evidence, Mr Pandya also accepted that the handwritten comments added additional information about Company D's audit process and that in changing Company D's audit file, Mr Pandya was making the audit process appear better by adding more detail.

33. The Committee reflected on the totality of the evidence and considered that it was more likely than not that: (i) Company D's nominal ledger print out which formed part of the audit file was produced in a single print run; and (ii) Company D's audit file was amended by the removal of dates. The Committee considered the documentary evidence of the presence of the '5' on one page of Company D's audit file where the second '5' of the time 9:55 accompanied with date 09 December 2022, to be compelling due to the inconsistency between different pages of the same report. The Committee, noting the wording of allegation 3, considered that Company D's file was amended in order to add to it and enhance what was already contained in it. Further and in consideration of the evidence available to it, the Committee could not identify any other plausible or probable reason why Company D's audit file was amended and added to. The Committee therefore considered that Company D's audit file had been added to and amended in order to provide additional and/or better 'evidence' to support the firm's audit opinion about Company D.

34. The Committee accordingly found allegation 3 had been proven.

Allegation 4

35. ACCA alleged that Mr Pandya had been dishonest by Allegation 4.1. The Committee reflected carefully on the legal test for dishonesty which required it to make a finding about the actual state of Mr Pandya's knowledge and belief as to the facts i.e. his subjective intention in respect of Company D's audit file.

The Committee then needed to consider whether Mr Pandya's conduct was honest or dishonest applying the objective standard of ordinary decent people, applying the case of *Ivey v Genting Casinos* [2017] UKSC 67 ("Ivey").

36. In considering the first limb of the Ivey test as to Mr Pandya's subjective state of mind, the Committee considered that Mr Pandya appreciated and understood that the contents of Company D's audit file had been modified in some way. It followed for the Committee, that Mr Pandya knew that there was something not entirely satisfactory about the documents provided to the SCO about Company D as part of the Audit Review. It appeared to the Committee that the aim of amending and adding to Company D's audit file was to prevent the SCO from knowing when precisely that file was prepared. The Committee was satisfied that Mr Pandya knew that he was presenting inaccurate information to the SCO by providing amended documents to them with the aim of giving the impression that they were created at a time other than after the SCO's in-person visit at the firm.

37. The Committee considered the second limb of the "*Ivey"* guidance about whether an ordinary decent person would consider Mr Pandya's actions to be dishonest. The Committee considered that in layperson's terms an ordinary decent person would consider that it was wrong and dishonest for someone in Mr Pandya's position to manipulate documents with the aim of giving a false or misleading impression to the SCO about the date on which those documents were created. In the circumstances, the Committee reached the view that an ordinary decent person with knowledge of the facts and matters at the material time would consider that Mr Pandya had been dishonest in respect of the changes made to Company D's audit file, and that Allegation 4.1 had been proved.

38. Allegation 4.2 was in the alternative to allegation 4.1. In circumstances where the Committee found that allegation 4.1 had been proved, it did not go on to consider allegation 4.2.

Allegation 5

39. Mr Pandya admitted allegation 5 in writing before the hearing. Mr Pretsell confirmed Mr Pandya's admission to allegation 5 at the start of the hearing. The Committee therefore found that allegation 5 had been proved.

Allegation 6

40. Mr Pandya denied allegation 6 that he had breached the fundamental principle of professional competence and due care (2022). However, the Committee noted Mr Pandya's admission to allegation 5.

41. The Committee noted that allegation 6 related to the completion of a 'Fit and Proper form for an individual' for Person X dated 01 June 2022 (the "F&P form") who was working as a consultant at the time of the SCO's in person visit.

42. The F&P form provides that:

"Generally, professional bodies audit regulations require the firm to obtain confirmation from all principals, staff, sub-contractors and consultants involved in audits that they: are independent; will adhere to the rules of confidentiality; are fit and proper individuals…"

43. Mr Pandya had ticked 'yes' on the F&P form about Person X under the Good reputation and character section which asked: (i) whether Person X had been reprimanded, excluded or publicly criticised by any professional body; (ii) whether Person X had been the subject of disciplinary procedures by a professional body or employer resulting in a finding against him and (iii) whether Person X had been refused entry to or excluded from membership of any profession or vocation.

44. Mr Pandya had signed the F&P form in respect of Person X which provided that:

"I have considered the answers given on the statement of independence and confidentiality and confirmation of fit-and-proper status. I am satisfied that the above person is eligible to carry out audit work for this firm.'

45. The Committee found the SCO's evidence to be compelling in respect of the importance of the completion of fitness and propriety forms. The SCO gave evidence that everyone that carries out or supports audit work in a firm should be fit and proper. However, the Committee equally noted and accepted that Person X had not been carrying out any audit work at the time the F&P form was completed.

46. The Committee noted Mr Pandya's live evidence under cross-examination that he had not exercised due diligence in the completion of the F&P form. Further the Committee had regards to the fact that the section of the form which provided: '*Insert details below of the reasoning behind the above statement where the answer to any of the above questions is 'yes''* was left blank by Mr Pandya.

47. The Committee did not consider that Mr Pandya provided any compelling reasons about why he did not complete the F&P form at the material time. The Committee did not consider that email correspondence of 10 November 2022 setting out the background to Person X's engagement at the firm, some 5 months after the completion of the F&P, was an answer to why the explanatory section of the F&P form was not completed on or around June 2022.

48. The Committee considered that the requirement on the F&P form to justify why a person such as Person X is fit and proper where that person has been reprimanded or similar was not optional but instructional and directive. The Committee considered that Mr Pandya did not comply with the direction to provide any or requisite information about why he considered Person X to be a fit and proper person in the circumstances and that this demonstrated a lack of due diligence, which Mr Pandya had admitted to in live evidence at the hearing.

49. The Committee therefore found allegation 6 to be proved.

Allegation 7

50. As to Allegation 7 the Committee, having regard to the legal definition of misconduct, asked itself whether the proven conduct amounted to misconduct.

51. The Committee found all of the allegations to be proven. The Committee noted that the failings involved breaches of the Global Practising Regulations and dishonesty. The Committee determined that these failings were serious, falling short of the conduct expected of an ACCA member and amounted to misconduct. The Committee considered Mr Pandya's misconduct constituted a discredit to both him and the wider profession.

52. The Committee did not consider whether Mr Pandya was liable for disciplinary action pursuant to Byelaw 8(a)(iii) since this was an alternative allegation where no finding of misconduct was made. However, the Committee noted that Mr Pandya accepted that he was liable pursuant to Byelaw 8(a)(iii) in respect of allegation 2 only.

SANCTION AND REASONS

53. The Committee considered what sanction, if any, to impose, taking into account all that it had read in the bundle of documents, ACCA's Guidance for Disciplinary Sanctions dated 10 February 2026 (the "Sanctions Guidance"), and the principle of proportionality. The Committee also took account of submissions by Mr Ive and Mr Pretsell. It noted the advice from the Legal Adviser which it duly accepted.

54. The Committee considered that the conduct in this case was serious. The Committee had specific regard to the public interest and the necessity to declare and uphold proper standards of conduct and behaviour. Being honest is a fundamental requirement of any ACCA member. The Committee observed that Company D's audit files had been manipulated with the aim of misleading the regulator. The Committee did note that neither the firm nor Mr Pandya continued to carry out audit work. However, the Committee equally considered that Mr Pandya's conduct could seriously undermine ACCA's reputation and that of the profession as a whole.

55. The Committee considered whether any mitigating or aggravating factors featured in this case.

56. As regards mitigating factors the Committee identified that:

a. Mr Pandya had been an ACCA member for around 30 years with a previously unblemished record.

b. There had been no client loss or harm in the instant case.

c. Mr Pandya had provided character references which were considered.

d. Mr Pandya had shown a significant level of cooperation with the investigatory process and made some admissions.

e. This was an isolated incident and not part of a pattern of behaviour over the course of time.

f. The firm had ceased undertaking audit work which mitigated any potential risk to the public.

g. The impact of the passage of time on Mr Pandya's recollection of events.

57. The Committee identified the following aggravating factors:

a. The seriousness of the misconduct which involved attempting to deceive one's regulator.

b. Limited evidence of insight or genuine remorse.

c. The potential to undermine the reputation of the profession.

58. Given the Committee's view of the seriousness of Mr Pandya's conduct, it was satisfied that the sanctions of No Further Action, Admonishment, Reprimand and Severe Reprimand were insufficient to highlight to the profession and the public the gravity of the proven misconduct. In considering a Severe Reprimand, the Committee noted that a majority of the factors listed in the guidance were not present and, in particular, there was limited evidence of insight or genuine remorse. The Committee had regard to Section E2 of the Guidance on Dishonesty and the seriousness of such a finding on a professional. It considered the factors listed at C5 of the Guidance for exclusion of Mr Pandya from membership. The Committee was satisfied that only

exclusion from membership was sufficient to mark the seriousness of the misconduct to the profession and the public.

59. Consequently, the Committee concluded that the appropriate, proportionate sanction was to order that Mr Pandya be excluded from membership.

COSTS AND REASONS

60. The member has submitted documents relating to their financial position, which the Committee has considered.

61. The Committee had been provided with a Simple Costs Schedule and a Detailed Costs Schedule relating to ACCA's claim for costs.

62. The Committee carefully considered ACCA's Cost Guidance, submissions from Mr Ive, and Mr Pretsell. Mr Ive submitted that ACCA should be awarded its costs in full because all allegations have been found proven against Mr Pandya. Mr Pretsell submitted that Mr Pandya had only modest disposable income available to him [PRIVATE] and that Mr Pandya's means or lack thereof should be reflected in any costs award. Mr Pretsell also submitted that the Committee should consider the delay in ACCA's investigative process when exercising its discretion in respect of costs. However, the Committee noted that Mr Pandya had not submitted any documentary evidence about his financial means, with the exception of a single Excel sheet, despite having the opportunity to do so and being alerted to the potential of a costs award being made against him. The Committee also heard from the Legal Adviser whose advice it duly accepted.

63. The Committee made the following decision as to costs: The Committee concluded that ACCA was entitled to be awarded costs against Mr Pandya since all of the allegations i.e., 1, 2, 3, 4.1, 5, 6 and 7.1, were found proved. The amount of costs for which ACCA applied was £16,302.50. In reaching a decision about whether costs were payable and the amount of costs to be paid, the Committee took account of the following factors:

a. The hearing had taken 2 days as opposed to the full 3 days allocated;

b. The delay between the time when ACCA's investigation commenced and the hearing; and

c. The information that Mr Pandya had provided about his financial circumstances albeit that the Committee noted that the single Excel sheet provided by Mr Pandya made statements about his outgoings but that this document was not supported by any other documentary evidence. The Committee had particular regard to paragraphs 26 to 32 of ACCA's Guidance for Costs Orders in this respect, which provides amongst other things, that *"In the absence of evidence or proof, Committees should not speculate as to the relevant person's means".*

64. Accordingly, the Committee reduced the figure of £16,302.50 sought by ACCA by approximately 25% to £12,000.00. The Committee was satisfied that this amount was reasonable and proportionate in the circumstances.

EFFECTIVE DATE OF ORDER

65. Further to ACCA's request for the immediate imposition of an order, the Committee was persuaded that the ground for imposing an immediate order was made out given the serious facts of this case which included matters of dishonesty.

Ms Ilana Tessler
Chair
06 November 2026