

**IOV REGISTERED VALUERS FOUNDATION
(Disciplinary Committee)**

Ref. No.: DC/IOV-RVF/ 109 /2021

SUSPENSION ORDER

THIS ORDER DISPOSES OF THE SHOW CAUSE NOTICE (SCN) NO. DC/IOV-RVF/104/2020 DATED 31ST MAY, 2021, ISSUED TO MR. MAHESH CHAND AGRAWAL, WHO IS A REGISTERED VALUER MEMBER OF THE IOV REGISTERED VALUER FOUNDATION (IOV-RVF), THE REGISTERED VALUER ORGANIZATION AND REGISTERED WITH THE INSOLVENCY AND BANKRUPTCY BOARD OF INDIA (IBBI) AS VALUER IN ASSET CLASS OF LAND AND BUILDING WITH THE REGISTRATION NO. IBBI/RV/02/2019/11995

1. Background

- 1.1.** The IOV-RVF has been delegated by the Central Government to perform the functions as the "RVO" under the Companies (Registered Valuers and Valuation) Rules, 2017 (Valuer Rules). Mr. Mahesh Chand Agrawal who is a Registered Valuer Member of the IOVRVF, was registered with the IBBI as valuer in asset class of Land and Building with the Registration No. IBBI/RV/02/2019/11995 on 17th July 2019.
- 1.2.** A complaint was received against Mr. Mahesh Chand Agrawal vide email dated 26th December, 2020 that he has suppressed pendency of FIR No. 0082018A0002/CBI/BPL dated 16.01.2018 in his Form A, the application for registration as a valuer with IBBI.
- 1.3.** Upon consideration of the documents, clarification was sought from Mr. Mahesh Chand Agrawal and vide his communication dated 22nd January, 2021 he admitted that an FIR was lodged against him by Punjab National Bank. He further stated that he has not been accused in the same matter and have been issued 'No objection certificate' by the Central Bureau of Investigation (CBI) and sought time to file to submit the certificate.
- 1.4.** Further, clarification was sought from CBI vide letter reference no. 'IOVRVF/20-21/4362' dated 9th January, 2021 requesting to clarify the name of the valuer who has conducted the valuation in the above-mentioned FIR. CBI vide letter reference no. 'File No. 0563/misc.court/trial file/CBI/BPL/2021' dated 08.02.2021 submitted that Mr. Mahesh Chand Agrawal s/o Sh. Ramswaroop Agrawal had conducted the valuation of the mortgaged property in the above-mentioned FIR. CBI further submitted that Sh. Mahesh Chand

Agrawal was also chargesheeted in the one of the connected matter and his name was also sent to Punjab National Bank for blacklisting.

1.5. Based upon the documents available on record, Grievance Redressal Committee vide its meeting held on 19th April 2021 was of the view that the issue warrants Disciplinary action against the Registered Valuer Member and the matter was referred to the Disciplinary Committee of IOVRVF. The Disciplinary Committee, thereafter, passed the directions to issue Show Cause Notice vide its meeting held on May 26th 2021.

2. Show Cause Notice

SCN dated 31st May, 2021 was issued under the clause 23 of the Model Bye-Laws forming part of the Companies (Registered Valuers and Valuation) Rules, 2017 to Mr. Mahesh Chand Agrawal seeking his written reply and offering him an opportunity of being heard to maintain the essence of natural justice. The alleged contraventions in the SCN was that Mr. Mahesh Chand Agrawal has suppressed the information with regard to FIR lodged against him, in the prescribed application FORM -A while applying to become Registered Valuer with IBBI as a valuer and further continued to suppressed in the half yearly report submitted to IOV-RVF.

3. No Response from Mr. Mahesh Chand Agrawal

Despite of ample opportunity, Sh. Mahesh Chand Agrawal neither responded to the Show Cause Notice nor paid any heed to it. Reminder dated 22nd July 2021 was also sent to Mr. Sh. Mahesh Chand Agrawal providing him last and final opportunity to reply to the SCN within 21 days from the receipt. However, Sh. Mahesh Chand Agrawal choose not to respond to the said letter.

4. Analysis and Findings

The Committee has perused the Complaint, Copy of FIR, documents available with IOVRVF. Mr. Mahesh Chand Agrawal was provided with ample opportunity to explain his case and support his statement with documentary evidence. On consideration of documents available on record and after affording ample opportunities to Valuer Member, Disciplinary Committee holds that the Valuer Member is guilty of professional misconduct.

5. Order

Mr Mahesh Chand Agrawal, after knowing the fact that above mentioned FIR is pending against him, has suppressed the pendency of FIR in Form A and continued to breach, by not disclosing the same in the half yearly report submitted by him to IOV-RVF till date and failed to submit any explanation for his professional misconduct inspite of sufficient opportunity provided to him.

In view of the above, the IOV-RVF, in exercise of powers conferred under clause 24(2)(b) and (e) of Para X of Part II (Model Bye-Laws of a Registered Valuers Organisation) of Annexure III of the Companies (Registered Valuers and Valuation) Rules, 2017, hereby, suspend the Valuer Member till further order and is referring the matter to IBBI (Authority) to take further action as may deem fit.

6. Appeal

In case the Registered Valuer Member is aggrieved by the order passed by the Disciplinary Committee, he may prefer an appeal before the Appellate Authority within thirty days from the receipt of the copy of such order.

A copy of this order shall be forwarded to the IBBI (Authority).

THIS ORDER IS ISSUED UNDER THE DIRECTIONS OF THE DISCIPLINARY COMMITTEE OF THE IOV REGISTERED VALUERS FOUNDATION VIDE ITS MEETING HELD ON 25TH AUGUST, 2021.

GIVEN UNDER MY HAND AND THE SEAL OF THE DISCIPLINARY COMMITTEE OF IOV-RVF THIS 2ND SEPTEMBER OF 2021.

For IOV Registered Valuers Foundation


(CS DEEPALI JAIN)
Disciplinary Officer, IOV-RVF

Place:- Delhi

Date:- 02.09.2021