

IN THE MATTER OF PRITESH VALLABHDAS SONI, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr J N Barnecutt (in the chair)
Mr N Pearson
Mrs V Murray-Chandra

Date of Hearing: 14th May 2009

FINDINGS

of the Solicitors Disciplinary Tribunal
Constituted under the Solicitors Act 1974

An application was duly made on behalf of The Law Society by Jayne Willetts, solicitor advocate and partner in the firm of Townshends LLP, Cornwall House, 31 Lionel Street, Birmingham, B3 1AP on 14th October 2008 that Pritesh Vallabhdas Soni, a solicitor, might be required to answer the allegations contained in the statement which accompanied the application and that such Order might be made as the Tribunal should think right.

The allegations against the Respondent were that:

1. He dishonestly misappropriated clients' monies for his own benefit in breach of Rule 1(a) (c) and (d) of the Solicitors Practice Rules 1990 and Rule 1.02, 1.04 and 1.06 of the Solicitors Code of Conduct;
2. He withdrew monies from client account contrary to Rule 22 of the Solicitors Accounts Rules 1998 ("the SAR");
3. He failed to keep accounting records properly written up contrary to Rule 32 of the SAR;

4. He dishonestly forged the signature of his partner on three Certificates of Title in breach of Rule 1(a) (c) and (d) of the Solicitors Practice Rules 1990 and Rule 1.02, 1.04 and 1.06 of the Solicitors Code of Conduct.

The application was heard at The Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London, EC4M 7NS on 14th May 2009 when Jayne Willetts appeared as the Applicant and the Respondent did not appear but was represented by Ian Ryan.

The evidence before the Tribunal included the admissions of the Respondent.

At the conclusion of the hearing the Tribunal made the following Order:

The Tribunal Orders that the Respondent, Pritesh Vallabhdas, solicitor, be Struck Off the Roll of Solicitors and it further Orders that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £7,237.03.

The facts are set out in paragraphs 1-6 hereunder:

1. The Respondent, born in 1967, was admitted as a solicitor in 1993. He practised in partnership with Ms Nasreen Kherdin as Soni & Co. Ms Kherdin practised and continues to practice from 381 Eastern Avenue, Gants Hill, Ilford, Essex, IG2 6LR. The Respondent practised from 4 - 5 Inverness Mews, Bayswater, London, W2 3JQ. An intervention commenced at the Bayswater office on 15th July 2008. The Respondent's practising certificate for the practice year 2006/2007 was suspended.
2. On 3rd July 2008, an investigation commenced at the Respondent's office in Bayswater. As a result the Senior Investigation Officer ("the SIO") prepared a Forensic Investigation Report ("the FI Report") dated 10th July 2008 which was before the Tribunal.
3. The SIO identified that the Respondent had not maintained books of account since July 2005 and therefore it was not possible to calculate the firm's liabilities to its clients.
4. The SIO identified that the Respondent had misused funds received from lending institutions. One example was that the Respondent intended to purchase a property for £1,400,000 with a mortgage of £1,150,000. The transaction fell through but the Respondent still drew down the mortgage funds of £1,150,000. The funds were paid into client account and used to repay two other mortgages totalling £680,000 on other properties as well as making payments to his own personal account or the office account for the Bayswater office.
5. The Respondent admitted the full extent of his misuse of client funds by letter dated 7th July 2008. He calculated that he owed £6,745,000 to lending institutions. He estimated that his assets were worth in the region of £2,230,000.
6. The Respondent also admitted by statement dated 4th July 2008 that he signed three Certificates of Title in the name of his partner, Nasreen Kherdin. He further admitted that Ms Kherdin had no knowledge of the said documents.

The Submissions of the Applicant

7. The Applicant confirmed the Respondent admitted all the allegations. These were very serious matters and the Applicant referred the Tribunal to the test of dishonesty laid down in the case of Twinsectra Ltd v Yardley and Others [2002] UKHL 12. In any event, the Respondent had accepted the allegation of dishonesty and the Applicant therefore wished to pursue an application for her costs in full. She provided the Tribunal with a schedule of her costs which came to a total of £7,237.03, including the costs of the investigation.

The Submissions of the Respondent

8. Mr Ryan, who represented the Respondent, apologised on the Respondent's behalf for him being unable to attend the hearing. The Respondent had had a very serious operation not long ago. He had been diagnosed with a tumour on his spine which had been removed and this had made him too ill to attend the Tribunal as he was recuperating.
9. Mr Ryan confirmed the Respondent admitted all the allegations including the allegation of dishonesty and he knew he would be struck off today. He wished to exit the profession with some dignity.
10. Mr Ryan reminded the Tribunal that the Respondent had self-reported these matters. He intended to replace the funds but couldn't and was advised to self-report the matter. He made it clear to the Authority that his partner was not involved in any way and, to his credit, acted honourably in this regard. The Respondent had cooperated with the Solicitors Regulation Authority throughout, the evidence had been agreed early on and the Respondent apologised to the Tribunal for any damage caused to clients. He accepted he had damaged the name of the profession and accepted he would not be able to practise again.
11. Mr Ryan confirmed he had no instructions regarding the question of costs but he could inform the Tribunal that the Respondent had no funds left to pay any costs.

The Findings of the Tribunal

12. The Tribunal found the allegations to have been substantiated, indeed they were not contested.
13. The Tribunal was concerned to note that the Respondent had appeared before the Tribunal previously on 24th January 2006 on an allegation of failure to comply with an Order of the Adjudicator. On that occasion the Respondent had been reprimanded.
14. However, the Tribunal noted that the circumstances before the Tribunal today were far more grave and indeed, the Respondent had admitted he had behaved dishonestly which was not acceptable at all. He accepted he had brought the profession into disrepute and clearly clients had suffered as a result of his behaviour. He had been placed in a position of trust by his clients and had abused that trust by helping himself to monies that did not belong to him. In the circumstances, it was only right that the

Respondent should not be allowed to continue to be a member of the profession and the public had to be protected from him.

15. The Tribunal Ordered that the appropriate sanction in this case was for the Respondent to be struck off the Roll of Solicitors and for him to pay the costs in the sum of £7,237.03.
16. The Tribunal Ordered that the Respondent, Pritesh Vallabhadas Soni of 82 Berkley Court, Marylebone Road, London, NW1 5ND, solicitor, be Struck Off the Roll of Solicitors and it further Ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £7,237.03

Dated this 1st day of August 2009
On behalf of the Tribunal

J N Barnecutt
Chairman