

IN THE INDEPENDENT LEGAL SERVICES COMMISSION

AT SUVA

ILSC CASE NO. 009 OF 2022

BETWEEN : AUTOWORLD TRADING (FIJI) PTE LIMITED

APPLICANT

AND : SURESH CHANDRA

RESPONDENT

AND : THE CHIEF REGISTRAR

AMICUS CURIAE

Counsel : Ms K Saumaki for the Applicant
No Appearance by the Respondent
Ms R Wati for the Chief Registrar

Date of Hearing : 7 July 2025

Date of Decision : 30 September 2025

DECISION

[1] INTRODUCTION

This decision concerns the application made by Mr. Kunaal Lal, Director of Autoworld Trading (Fiji) Pte Limited, seeking reimbursement from the Fidelity Fund under section 23 of the Trust Accounts Act 1996. The application is premised upon alleged misappropriation or loss of funds from a trust account maintained by a legal practitioner, Mr Suresh Chandra.

[2] **STATUTORY FRAMEWORK**

Section 23 of the Trust Accounts Act 1996 authorizes the Commission to direct payments from the Fidelity Fund to any person who suffers loss "through the stealing or fraudulent misappropriation by a legal practitioner in private practice...or by any clerk or servant of such legal practitioner" of any money entrusted to the practitioner or employee in the course of legal practice. The Commission retains discretion and must be satisfied that the statutory conditions are met before approving any claim.

[3] **EVIDENCE AND ISSUES**

The affidavits before the Commission, including evidence from Suresh Chandra, detail significant negligence and deficient supervision of the trust account in question, but do not admit or otherwise conclusively establish personal theft or fraudulent misappropriation by Mr. Chandra. Misappropriation appears to be attributed primarily to an employee, with ongoing investigations into the scope and method of the losses. There is evidence of multiple competing claimants and unresolved issues regarding the management and reconciliation of the trust account.

[4] The material provided does not satisfy the statutory requirement for proof of "stealing or fraudulent misappropriation." Instead, it supports a finding of systemic negligence without the specific elements required by section 23.

[5] **PREMATURITY AND MULTIPLE CLAIMANTS**

The application is made in a context of substantial discrepancies between the quantum claimed, the trust account records, and outstanding balances. Over two dozen claimant matters remain unresolved, with disputed trust funds exceeding \$2.15 million and the available balance far less than aggregate claims. Both the

Legal Practitioners Unit and the Chief Registrar advise against payment prior to a full audit for the relevant period. Premature payment could unfairly prejudice other legitimate claimants whose priority could outrank or match the present claim.

[6] LACK OF SUBSTANTIATION

No audited and reconciled trust account statement has been supplied to verify the exact loss or the applicant's claim to entitlement. The sum claimed exceeds amounts verified by official records. Claims are further complicated by ongoing criminal investigation and unresolved legal proceedings involving the trust account in issue.

[7] DETERMINATION AND CONCLUSION

Section 23 grants broad discretion to the Commission to grant or refuse claims. The Commission may properly refuse an application where the necessary statutory elements, satisfactory proof of loss, procedural and substantiation requirements, or auditing have not been met.

[8] In circumstances of unresolved audit, inadequately substantiated claims, and numerous higher-priority claimants, prudence and fairness require denial of the present application pending a full accounting and the resolution of all relevant disputes.

[9] Furthermore, the applicant had not fully pursued other available recovery processes before turning to the Fidelity Fund.

[10] The application of Kunaal Lal for reimbursement from the Fidelity Fund is dismissed.

[11] Notice of this decision shall be served on the applicant and relevant stakeholders.



Justice Daniel Goundar

COMMISSIONER

Solicitors:

Shelvin Singh Lawyers for the Applicant

Legal Practitioners Unit for the Chief Registrar