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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision: 12.08.2026+ **W.P.(C) 10782/2026, CM APPL. 49986/2026 & CM APPL. 49987/2026****MANOJ CHANDRAKANT WADHAVANE** Petitioner

Through: Mr. Rana Mukherjee, Senior Advocate with Ms. Daisy Hannah, Mr. Irfan Hasieb, Ms. Oindrilla Sen and Ms. Sneha Ahmed, Advocates.

versus

INSOLVENCY AND BANKRUPTCY BOARD OF INDIA & ANR. Respondents

Through: Mr. Abhishek Gupta, CGSC with Mr. Dhruv Tiwari and Mr. Vamsi Krishna, Advocates for UOI.
Mr. Kunal Tandon, Sr. Advocate, Mr. Vikram Wadehra, Ms. Smriti Churiwal and Mr. Jaiveer Kant, Advocates for R-2.
Mr. Parth Goswami and Mr. Ranjeer Pawar, Advocates for R-4.

CORAM:**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J (Oral)**

1. By way of the present petition, the petitioner seeks grant of



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following reliefs:

- a) Issue an appropriate writ, order or direction in the nature of Certiorari or any other appropriate writ, quashing and/or setting aside the impugned Order dated 15.06.2026 bearing No. IBBI/DC/325/2026, as the said Order dated 15.06.2026 disposes of and closes the Show Cause Notice dated 28.01.2025 without consideration of the Petitioner's representations dated 26.03.2026 and 22.04.2026 and the material placed therewith; and/ or
- b) Issue an appropriate writ, order or direction in the nature of Mandamus directing Respondent No.1 to reconsider and determine the disciplinary proceedings arising out of the Show Cause Notice dated 28.01.2025 afresh, after taking into consideration all relevant material forming part of the original complaint as well as the subsequent material and representations placed before Respondent No.1 prior to passing of the impugned order, and thereafter pass a reasoned and speaking order in accordance with law;
- c) Direct Respondent No.1, while undertaking such reconsideration, to independently examine the alleged contraventions of the Insolvency and Bankruptcy Code, 2016, the Regulations framed thereunder and the applicable Code of Conduct, without treating the mere pendency of criminal, environmental or other collateral proceedings as a bar to exercise of its independent statutory disciplinary jurisdiction;
- d) Direct Respondent No.1 to afford the Petitioner a reasonable opportunity to place and explain the material submitted by him, including through authorised counsel, to such extent as Respondent No.1 may consider necessary for a fair and effective reconsideration of the complaint, while preserving the right of Respondent No.2 to respond to any material proposed to be relied upon against him; and/ or
- e) Pending hearing and final disposal of the present Writ Petition, direct Respondent No.1 to preserve the complete records relating to Complaint No. IBBI/C/2024/01276, the Show Cause Notice dated 28.01.2025, all replies and written submissions received from Respondent No.2, the Petitioner's representations dated 26.03.2026 and 22.04.2026 and all material forming part of File No. IBBI/DC/325/2026; and/ or..."



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2. The brief facts of the case, as set out in the petition, are that the petitioner, who was employed as a Supervisor at the Sinnar Plant of Hindusthan National Glass & Industries Ltd., had filed a complaint dated 21.10.2024 before the Insolvency and Bankruptcy Board of India (**IBBI**) against Respondent No.2, Sh. Girish Sriram Juneja, the erstwhile Resolution Professional of HNGIL, alleging several acts of omission and commission during the Corporate Insolvency Resolution Process, including failure to preserve and protect the assets of the Corporate Debtor, failure to maintain it as a going concern, failure to obtain interim finance for maintenance of critical furnaces, and non-compliance with statutory environmental and safety requirements under the Insolvency and Bankruptcy Code, 2016 (**IBC**) and the regulations framed thereunder. The complaint also referred to the fire which occurred at the Sinnar Plant on 29.12.2023, resulting in stoppage of production and destruction of assets. Upon consideration of the complaint and the reply of Respondent No. 2, the IBBI had issued a Show Cause Notice (**SCN**) dated 28.01.2025 under Section 219 of the IBC read with the applicable Regulations. During the pendency of the disciplinary proceedings, the Petitioner had placed further material before the IBBI by representations dated 26.03.2026 and 22.04.2026, referring, *inter alia*, to the judgment dated 29.01.2025 passed by the Hon'ble Supreme Court setting aside the approval of the AGI Resolution Plan, additional criminal proceedings and charge-sheets concerning Respondent No. 2, and other alleged findings relating to negligence in discharge of his



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duties. The Disciplinary Committee of the IBBI thereafter passed the impugned order dated 15.06.2026 in File No. IBBI/DC/325/2026, disposing of the disciplinary proceedings against Respondent No. 2.

3. The petitioner contends that the Disciplinary Committee considered only certain allegations concerning the fire at the Sinnar Plant and violations of environmental and safety requirements, while not considering the other allegations in the complaint and the subsequent material placed on record by the Petitioner.

4. Aggrieved by the aforesaid order dated 15.06.2026, the petitioner has preferred the present writ petition seeking, *inter alia*, quashing of the impugned order and consequential directions to the IBBI to reconsider the complaint afresh after taking into account the material placed on record and after affording the petitioner an opportunity of hearing.

5. At the outset, the learned senior counsel appearing for respondent no. 2, without going into the merits of the case, draws this Court's attention to the Insolvency and Bankruptcy Code (Amendment) Act, 2026 [hereafter '**2026 Amendment**'], which came into force on 26.05.2026. He submits that, by way of the said amendment, sub-section (7) has been inserted in Section 220 of the IBC, stipulating that an order passed by the Disciplinary Committee under sub-sections (2) to (5) thereof is to be challenged before the National Company Law Appellate Tribunal (**NCLAT**), in accordance with law. It is contended that the impugned order was passed on



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15.06.2026, i.e., after the coming into force of the 2026 Amendment, and, therefore, the petitioner ought to have preferred an appeal before the NCLAT against the impugned order. Consequently, it is submitted that the present writ petition is not maintainable.

6. On the other hand, the learned senior counsel appearing for the petitioner argues that though the impugned order has been passed under Section 220 of the IBC, pursuant to a SCN issued under Section 219 of the IBC, the said order does not record any conclusive finding. It is therefore argued that, in substance, the impugned order is not an order of the nature contemplated under sub-sections (2) to (5) of Section 220, against which an appeal would lie. In support of his submission, he draws the attention of this Court to the concluding paragraphs of the impugned order, which read as under:

“3. Order

3.1 The DC is, therefore, of the view that it would be premature to take a definitive view with regard to role of Shri Girish Siriram Juneja in respect of the alleged contravention in terms of his role in taking adequate measures for the fire safety and to comply with the requirement of the Pollution Control Board, when matter in respect of both the allegations are pending before other forums for adjudication. The SCN issued by the Board is primarily founded upon the complaint pending before the CJM, Nashik, the FIR registered at MIDC Sinnar Police Station, and the Show Cause Notice issued by the MPCB, all of which remain pending for adjudication before their respective forums and based on the information available on record, these respective forums are yet to conclude the proceedings.

3.2 In the above background, the DC, in exercise of the powers conferred under Section 220(2) of the Code read with Regulation 13 of the IBBI (Inspection and Investigation) Regulations, 2017 disposes of the SCN with the direction to Shri Girish Siriram Juneja to keep the Board regularly



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informed of all material developments in the above proceedings. Based on the subsequent development and outcomes in these matters, the Board shall be at liberty to examine the matter afresh and take necessary action as deemed fit as per the extant provisions of the Code and Regulations made thereunder.

3.3 This order will come into effect immediately in view of para 3.2 of the order.

3.4 A copy of this order shall be forwarded to Indian Institute of Insolvency Professionals of ICAI (IIPI) where Shri Girish Siriram Juneja is enrolled as a member.

3.5 A copy of this order shall also be forwarded to the Registrar of the Principal Bench of the National Company Law Tribunal, New Delhi, for information.

3.6 Accordingly, the show cause notice is disposed of.”

7. This Court has **heard** arguments and has perused the impugned order as well as the relevant provisions of the IBC.

8. It would be apposite to take note of Section 220(7) of the IBC, inserted by way of the 2026 Amendment, which provides as under:

“(7) Any person aggrieved by an order of the disciplinary committee, under sub-sections (2) to (5), may prefer an appeal to the National Company Law Appellate Tribunal within a period of thirty days from the date of receipt of the order.”

9. Insofar as the contention of the petitioner – that the impugned order does not return any conclusive finding and, therefore, cannot be treated as an order falling within the scope of sub-sections (2) to (5) of Section 220 of the IBC – is concerned, it is correct that the impugned order records a *prima facie* opinion with regard to certain allegations of misconduct and does not ultimately determine the action, if any, to be taken against respondent no. 2. However, the



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absence of a final finding on the consequences of the misconduct alleged does not, by itself, alter the nature or character of the order passed by the Disciplinary Committee.

10. In the present case, the impugned order dated 15.06.2026 was passed upon consideration of the SCN dated 28.01.2025, which had been issued under Section 219 of the IBC. More importantly, paragraph 3.2 of the impugned order expressly records that the Disciplinary Committee was exercising its jurisdiction under sub-section (2) of Section 220 of the IBC. Thus, the order under challenge is an order passed by the Disciplinary Committee in exercise of the statutory jurisdiction conferred upon it under Section 220 of the IBC.

11. In view of the aforesaid position, the statutory remedy provided under the newly inserted sub-section (7) of Section 220 of the IBC is available to the petitioner. The said provision specifically provides for an appeal to the NCLAT against an order of the Disciplinary Committee passed under sub-sections (2) to (5) of Section 220. The petitioner, therefore, ought to avail the said statutory remedy rather than invoke the writ jurisdiction of this Court in the first instance.

12. This Court is, therefore, not inclined to entertain the present petition, particularly when an efficacious alternate statutory remedy is available to the petitioner under the IBC.

13. It is, however, clarified that in event the petitioner prefers an appeal before the NCLAT, in terms of Section 220(7) of IBC, the



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same shall be considered and decided on its own merits, in accordance with law. The period during which the present writ petition remained pending before this Court may, however, be considered by the NCLAT while examining the issue of delay, if any, in approaching the said Tribunal.

14. Accordingly, the present petition is dismissed on the ground of availability of an alternate statutory remedy, without expressing any opinion on the merits of the rival contentions. Pending applications are also disposed of.

15. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

AUGUST 12, 2026/vc
T.D.