

\$~20

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

+ W.P.(C) 6623/2019

AMIT GUPTA

..... Petitioner

Through Ms. Naomi Chandra and Ms. Neha
Gupta, Advs.

versus

INSOLVENCY & BANKRUPTCY BOARD OF INDIA
& ANR

..... Respondents

Through Mr. Praveen Kumar Jain, Adv. for R
2 and 3.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

31.05.2019

CM Appln. No. 27998/2019

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

WP(C) No.6623/2019

3. The petitioner has filed the present petition, *inter alia*, praying that direction be issued to respondent No.1 (Insolvency & Bankruptcy Board of India – IBBI) to take note of the conduct of the Resolution Professional appointed by the National Company Law Tribunal.
4. According to the petitioner, the Resolution Professional appointed by the Committee of Creditors is not functioning in an appropriate manner. It is also alleged that he is biased in favour of the creditors as he was empanelled

as Resolution Professional with the State Bank of India Ltd., which is one of the creditors. The petitioner has also made a complaint in this regard before the National Company Law Tribunal (NCLT). However, the same was rejected by the NCLT as it was of the view that petitioner had no *locus* in the matter considering that the Resolution Professional had complete confidence of 100% of the Committee of the Creditors. The petitioner has also made a complaint before respondent No.1. However, a copy of the said complaint has not been annexed with the petition.

5. The petitioner is a promoter / shareholder and a director of Varanasi Auto Sales Pvt Ltd. This court, *prima facie*, concurs with the NCLT that the petitioner has no locus to object to Resolution Professional.

6. Having stated the above, it is also necessary to observe that IBBI is also required to examine the complaint made against the Resolution Professional.

6. In view of the above, this petition is disposed of with a direction to IBBI (respondent No.1) to examine the complaint and take appropriate decision as expeditiously as possible and preferably within a period of six weeks from today.

VIBHU BAKHRU, J

MAY 31, 2019
DR