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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4383/2020 & CM 15775/2020**
GURPREET SINGH CHADHA Petitioner
Through **Mr.Siddharth Banthia, Adv.**

versus

INSOLVENCY AND BANKRUPTCY BOARD OF INDIA
..... Respondent
Through **Mr.Vikas Mehta, Adv.**

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **17.08.2020**

1. This hearing has been held by video conferencing.
2. This petition has been filed by the petitioner praying for the following reliefs:

"(a) Issue a Writ in the nature of Mandamus, or any other appropriate writ, order or direction, to Respondent for providing copy of order passed on the complaint dated 06.12.2018, inter alia, indicating the appropriate action taken while disposing of the aforesaid complaints under Regulation 7 of Insolvency and Bankruptcy Board Of India (Grievance and Complaint Handling Procedure) Regulations 2017"

3. The learned counsel for the petitioner has drawn my attention to the communication dated 20.12.2019 issued by the respondent, informing the petitioner about the status of his complaint dated 06.12.2018. The communication reads as under:

"This is in reference to the complaint dated 6th December 2018 received in Form A under regulation 3 (3) of the IBBI (Grievance and Complaint Handling

*Procedure) Regulations, 2017 in the matter of M/s
International Recreation and Amusement Ltd.*

2. Based on the documents on record, the complaint has been examined by the Board and an appropriate action has been initiated in the matter and the same has been disposed of.

3. Further, it has been decided to refund the fee paid by you, along with the above complaint, in accordance with Regulation 8 of the IBBI (Grievance and Complaint Handling Procedure) Regulations, 2017. Accordingly, an amount of Rs.2,500/- has been credited electronically to your bank account no 016590700000554 on 20th December, 2019.

4. It may please be noted that this refund of money does not mean that a regulatory action such as inspection, investigation or direction is being taken."

4. The grievance of the petitioner was that the respondent has not provided a copy of the order passed on his complaint.

5. The learned counsel for the respondent submits that the respondent found merit in the complaint made by the petitioner and ordered an inspection under Sub-Regulation 3 of Regulation 3 of the Insolvency and Bankruptcy Board of India (Inspection and Investigation) Regulations, 2017. A report of such inspection has also been prepared on 10.08.2020 and further action thereon is being taken.

6. The learned counsel for the petitioner, however, submits that Sub-Regulation 3 of Regulation 7 of the Insolvency and Bankruptcy Board of India (Grievance and Complaint Handling Procedure),

Regulations, 2017 (hereinafter referred as “*Grievance Regulations*”) require the disposal of the complaint within 45 days of the receipt thereof. He submits that the complaint had been made on 06.12.2018 and only after a period of more than one year, the petitioner was issued the cryptic order as reproduced hereinabove, without informing the petitioner if any, *prima facie* case had been found in the complaint and what was the further course of action the respondent was contemplating on the complaint in terms of Sub-Regulation 7 of Regulation 7 of the Grievance Regulations.

7. Having considered the submissions made and now as the learned counsel for the respondent has submitted that inspection report has been received and a decision is expected soon, the present petition is disposed of directing the respondent to expedite the process of consideration of such inspection report and take appropriate action thereon in accordance with law.

NAVIN CHAWLA, J

AUGUST 17, 2020
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