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

+ **W.P.(C) 4471/2022**

VIJAY KUMAR SINGH

.....Petitioner

Through: Dr. Pankaj Garg, Mr. Yash Garg,
Advocates

versus

INSOLVENCY BANKRUPTCY BOARD OF INDIA & ANR.

.....Respondent

Through: Mr. Jagjit Singh, Mr. Preet Singh,
Advocates for R-1/IBBI.
Mr. Sunil Beniwal, Mr. Rajendra
Beniwal, Advocate for R-2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

10.07.2024

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1. The present writ petition has been filed seeking the following prayers:

“(i) Issue a Writ of Mandamus or any other writ, order or direction of similar nature directing the Respondent No. 1 to initiate disciplinary proceedings, thereby furnishing show cause notice to the Respondent No.2 under Regulation 11 of the IBBI (Insolvency Professionals) Regulations, 2016 read with Regulation 12 of the IBBI (Inspection & Investigation) Regulation, 2017;

(ii) Issue a Writ of Mandamus or any other writ, order or direction of similar nature directing the Respondent No. 1 to provide the copy of the show cause notice to the Petitioner, thereby allowing the Petitioner to participate in the disciplinary proceedings against the Respondent No .2; and/or

(iii) Pass any other relief as this Hon'ble Court deems fit and



proper in the facts and circumstances of the case in favour of the Petitioner in the interest of justice.”

2. The Petitioner is seeking a *mandamus* to the Respondent No. 1 to initiate disciplinary proceedings against Respondent No. 2, by issuing a show cause notice to him. However, it is noticed that before filing the present writ petition, the Petitioner had filed a complaint dated 14th July, 2020, in terms of Form-A under Sub-Regulation (3) of Regulation 3 of the Insolvency & Bankruptcy Board of India (Grievance & Complaint Handling Procedure) Regulations, 2017 before Respondent No. 1 and against Respondent No. 2.
3. Respondent No. 1 has filed a short affidavit enclosing therewith the decision dated 23rd May, 2023, rendered on the abovementioned Form A complaint filed by the Petitioner. Counsel for the Petitioner states that the copy of the said decision has not been provided to him.
4. Mr. Jagjit Singh, counsel for the Respondent states that a copy was served on the Petitioner, nonetheless, he will serve another copy to the Petitioner within a period of three weeks from today.
5. In the opinion of the Court, the relief sought in the present petition is found to be infructuous since appropriate proceedings, in terms of the grievance of the Petitioner, have already been initiated and concluded by Respondent No. 1 and a decision on the same has been rendered. Therefore, it would not be appropriate if this Court grants the *mandamus* as prayed for, since it would amount to fresh adjudication of the matter. Accordingly, the writ petition is disposed of.
6. In case, the Petitioner is aggrieved by the decision rendered by the Respondent No. 1, they shall be free to take remedies before the appropriate



forum in accordance with law.

SANJEEV NARULA, J

JULY 10, 2024/ab