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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3293/2021 & CM APPL. 18569/2023**
PM COLD STORAGE PVT LTDPetitioner

Through: Mr. Prabhat Ranjan, Advocate.

versus

**INSOLVENCY AND BANKRUPTCY BOARD OF INDIA AND
ORS**Respondents

Through: Mr. Vikas Mehta, Mr. Kartik Pandey
and Mr. Nishant Anshul, Advocates
for R-1.
Mr. Kamal Agarwal, Advocate for R-
2 and R-3.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
25.11.2024

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1. Mr. Prabhat Ranjan, counsel for the Petitioner, states that there has been a change in the Resolution Professional for the Petitioner company and in absence of any authorisation from the Resolution Professional, he cannot represent the Petitioner.
2. Be that as it may, the Court has heard the matter and perused the record with the assistance of Mr. Vikas Mehta, counsel representing Insolvency and Bankruptcy Board of India¹/ Respondent No. 1.
3. The instant writ petition has been filed against order dated 5th January, 2021 passed by Respondent No. 1, which reads as follows:

¹ "IBBI"



भारतीय दिवालिया और शोधन अधिनियम बोर्ड
Insolvency and Bankruptcy Board of India

7th Floor, Mayur Bhawan, Connaught Place, New Delhi-110001

Tel: +91 11 23462900, +91 11 23462800

Fax: +91 11 23462902, Web: www.ibbi.gov.in

COMP-11011/105/2020-IBBI/270/1333

5th January 2021

FM Cold Storage Private Limited
Kind att: Mr. Lakshman Prasad Agarwal
LA, Mudan Mohan
Burman Street,
Kolkata,
West Bengal – 700037
pmcoid@gmppgroup.co.in

Subject: Regarding Complaint in the matter of Gopukshoor Farm Fresh Private Limited
against Mr. Sanjeev Jhunjhunwala, Resolution Professional and Others

Dear Sir

1. This is in reference to Complaint filed by you under the IBBI (Grievance and Complaint Handling Procedure) Regulations, 2017 against the Insolvency Professional, Mr. Sanjeev Jhunjhunwala and Others.
2. The allegations made in the complaint have been duly examined by the Board. Based on the information on records, the Board has not found actionable material in the complaint. The complaint is accordingly closed.

Yours faithfully,

Mayank Mohan
(Mayank Mohan)
Assistant General Manager

4. The Petitioner's primary grievance is that the impugned order is non-speaking and unreasoned. The Petitioner contends that in absence of any reasons supporting the decision, the principles of natural justice are violated and the impugned order is liable to be set aside on this ground alone. On this issue, the Court had on previous occasion, passed the following order dated 8th October, 2024:

"1. The present writ petition has been preferred by the Petitioner being aggrieved by the order dated 5th January, 2021 passed by Respondent No.



1 – the Insolvency and Bankruptcy Board of India. By way of the said order, Respondent No. 1 closed the complaint filed by the Petitioner against Respondent No. 2 and other associated persons with respect to their role as Resolution Professional in the Corporate Insolvency Resolution Process of Gouksheer Farm Fresh Private Limited. While closing the said complaint of the Petitioner, Respondent No. 1 simply observed as follows:

“1. This is in reference to Complaint filed by you under the IBBI (grievance and Complaint Handling Procedure) Regulations, 2017 against the Insolvency Professional, Mr. Sanjeev Jhunjhuwala and Others.

2. The allegations made in the complaint have been duly examined by the Board. Based on the information on records, the Board has not found actionable material in the complaint. The complaint is accordingly closed.”

2. Counsel for Respondent No. 1 states that he has the file notings’ on the basis on which the complaint was decided, however, he cannot disclose the same as privileged documents. The Court is unable to understand how the documents on the basis of which a decision was taken on the Petitioner’s complaint constitutes a privileged document, which cannot be disclosed to the Petitioner.

3. Let an affidavit be filed by the concerned person of Respondent No. 1, within a period of one week from today explaining how the privilege is being claimed.

4. Renotify on 25th November, 2024.”

5. In furtherance of the Court’s directions, an affidavit has been filed by Respondent No. 1, wherein they have brought to the Court’s notice, a further development regarding the allegations made by the Petitioner before IBBI. The affidavit states that the Petitioner had also filed an application IA(IB) No NIL/KB/2020 in C.P (IB) No. 1582/KB/2019 before the National Company Law Tribunal. The said application was dismissed leading to filing of Company Appeal (AT) (Ins.) No. 615 of 2020 before the National Company Law Appellate Tribunal. This appeal was disposed of vide judgment dated 14th September, 2022 with a direction to initiate



investigation as per IBBI (Inspection and Investigation) Regulations, 2017. The said directions then resulted in the issuance of a show cause notice, culminating in an order passed by the Disciplinary Committee on 29th December, 2023. The aforesaid development renders the Court's inquiry into the question of the order being non-reasoned unnecessary.

6. In light of the above, since the issue raised by the Petitioner has already been examined by the IBBI, resulting in a disciplinary action, in the opinion of the Court, the relief sought in the present petition, is rendered infructuous.

7. In light of the above, the present petition is disposed of.

SANJEEV NARULA, J

NOVEMBER 25, 2024

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