



CWP-11118-2024

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

(260)

CWP-11118-2024

Date of decision:- 08.09.2025

AMIT GOEL

... PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sanchit Garg, Advocate
for the petitioner (THROUGH V.C.)

Ms. Svaneel Jaswal, Additional Advocate General, Haryana
for respondents No.1 and 2.

None for respondent No.3.

SUVIR SEHGAL, J. (ORAL)

1. By way of present petition filed under Articles 226/227 of the Constitution of India, petitioner has sought issuance of a writ, in the nature of mandamus, for directing official respondents No.1 and 2 to appear and contest the resolution plan submitted for M/s Piyush Colonisers Limited (for brevity "Corporate Debtor") before the National Company Law Tribunal (NCLT), Principal Bench, New Delhi and for direction to take suitable action against the officials, who have failed to contest the resolution plan.

2. Petitioner holds 4.19% of the shareholding in the Corporate Debtor and claims that he was the founder, promoter and director of the company. Petitioner asserts that majority shareholders of the Corporate Debtor are family members of the petitioners. It has been averred that Corporate Debtor was admitted into Corporate Insolvency Resolution Plan (CIRP), vide order dated

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30.05.2019. Sh. Omesh Garg was appointed as an Interim Resolution Professional, but he was changed and Sh. Ashish Singh, respondent No.3, was appointed in his place by the Committee of Creditors (COC) in its meeting held in April, 2022. It has been alleged that the Resolution Professional is acting in collusion with Sh. Ramesh Bhai Bhimji Bhai Patel as well as Sh. Ramchandra Dallaram Chaudhary and has placed the assets of the corporate debtor in jeopardy. It has been claimed that respondent No.3 has acted in disregard of the statutory provisions, being closely associated with the resolution applicants. Petitioner submits that respondents No.1 and 2 had raised claims to the tune of Rs.105 crores, which were admitted by the Resolution Professional, but a resolution plan has been prepared, which has been approved by COC, diluting their claims to a negligible amount running into a few lakhs. It has been submitted that the resolution plan has now been presented for approval before the NCLT and as the official respondent Nos.1 and 2 are dragging their feet in the matter, they be directed to contest the resolution plan.

3. Upon notice, writ petition has been contested by official respondents No.1 and 2 by filing a reply through the Director, Town and Country Planning, Haryana, wherein allegations levelled against them have been vehemently denied. It has been stated that the petitioner, who is the suspended Director of Corporate Debtor, has filed the present petition to undermine the Corporate Insolvency Process. A stand has been taken that the claims submitted by the official respondents have been admitted, as is evident from Annexure R-1 and are reflected on the website of Insolvency and Bankruptcy Board of India (IBBI). It has also been stated that the other creditors have also submitted their claims and the resolution plan, after being approved by the Committee of



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Creators, is being submitted before the NCLT. A stand has been taken that petitioner has approached this Court at a premature stage, despite having alternate efficacious remedies under the IBC, 2016.

4. After having heard counsel for the parties, this Court is of the view that the writ petition is liable to be dismissed. Corporate Debtor has been admitted in CIRP and a Resolution Professional has been appointed. Official respondents No.1 and 2, besides others, have submitted claims before the Resolution Professional, who has prepared a resolution plan for the approval by the NCLT. By levelling allegations, which are not supported with any material and are baseless, petitioner is attempting to thwart the proceedings, which are pending before the NCLT. The remedy, if any, available to the petitioner is to approach the NCLT by moving an appropriate application and the instant writ petition is not maintainable.

5. Writ petition is dismissed as not maintainable, with liberty to the petitioner to avail the remedy, if any, available to him, under the law.

(SUVIR SEHGAL)
JUDGE

08.09.2025
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No