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

+ **W.P.(C) 8517/2025 & CM APPL. 36921/2025**

JAG MOHAN GARG

.....Petitioner

Through: Mr. Sudhir Makkar, Sr. Adv. with Mr. Prakhar Mithal, Mr. Gaurav Raj, Ms. Aadhya Shrotriya and Mr. Arjun Katyal, Adv.

versus

MR. RAHUL JINDAL RESOLUTION PROFESSIONAL FOR TIRUPATI INFRAPROJECTS PVT LTDRespondent

Through: Mr. Karan Gandhi, Ms. Vidhika Kapoor, Mr. Shaurya Shann, Adv.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **23.06.2025**

CM APPL. 36921/2025 (for exemption)

1. Allowed, subject to all just exceptions.
2. Accordingly, this application stands disposed of.

W.P.(C) 8517/2025

3. This petition was mentioned in the morning and has been circulated in the supplementary list.
4. It is stated that Petitioner is aggrieved by the notice issued by the Respondent herein/Resolution Professional, convening 39th meeting of the Committee of Creditors ['COC'] on 24.06.2025 seeking voting on the proposed resolution plan. It is stated that the Petitioner has already filed an



application I.A. No. 2863/2025 before the NCLT¹, which was heard on 10.06.2025 and 12.06.2025 and the said application is now listed for hearing on 02.07.2025. It is stated that in case the meeting scheduled for 24.06.2025 proceeds, the reliefs sought in the application will be rendered infructuous.

5. Issue Notice.

6. Learned counsel for the Respondent accepts notice.

6.1. He states that since the Corporate Insolvency Resolution Process [‘CIRP’] is time bound, the calling of the meeting on 24.06.2025 is *bona fide*. He states that the Petitioner is a member of the suspended board and in the opinion of the Respondent, the perpetrator of the fraud on the corporate debtor.

6.2. He states that the Respondent has already objected to the maintainability of I.A. No. 2863/2025 and the said application is listed for arguments on the issue of maintainability on 02.07.2025 before the NCLT. He states that it is not the intent of the Respondent to overreach the proceedings pending before the NCLT, however, since it is the statutory mandate to complete the process in a time-bound manner, the meeting has been called in the same spirit.

6.3. He states that if the Petitioner was aggrieved by the calling of the meeting it ought to have approached NCLAT² for the relief sought in the present application. He states that the Petitioner could not have filed the writ petition.

7. In response, learned senior counsel for the Petitioner states that the Petitioner verily believes that it does not have available to it the remedy to

¹ National Company Law Tribunal

² National Company Law Appellate Tribunal



approach NCLAT against the notice holding meeting on 24.06.2025. He further states that the Petitioner disputes the submissions of the Respondent alleging fraud.

8. This Court has heard the parties.

9. The Respondent is at liberty to proceed with the meeting scheduled on 24.06.2025. It is however, directed that all decisions taken in the said meeting shall remain subject to the final outcome of I.A. No. 2863/2025, pending adjudication before the NCLT.

10. It is further clarified that the Respondent will be at liberty to proceed with all further actions in the CIRP, unless specifically enjoined by NCLT.

11. The Petitioner states that he is satisfied with this clarification.

12. With the aforesaid directions, the Petition stands disposed of.

13. Pending application stands disposed of.

MANMEET PRITAM SINGH ARORA, J
(VACATION JUDGE)

JUNE 23, 2025/msh/MG

Click here to check corrigendum, if any