



2026:DHC:4717



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7324/2026**

Date of Decision: 22.05.2026

IN THE MATTER OF:

FAROOQ ALI KHAN

.....Petitioner

Through: Mr. Shivam Singh, Mr. Ishwar Singh,
Mr. Yoshit Jain and Ms. Ananya
Diya, Advs.

versus

INSOLVENCY AND BANKRUPTCY BOARD OF INDIA & ANR.

.....Respondents

Through: Mr. Apoorv Khator, Ms. Pooja
Kumar, Advs. for IBBI.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

JUDGEMENT

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

1. The instant petition is for the following reliefs:

“I. Issue writ of Mandamus directing Respondents dispose of the show-cause proceedings initiated through the complaint filed by Petitioner dated 17.05.2024 in a time-bound manner.

AND/OR

II. Pass such other and further order(s) that this Hon'ble Court deems fit and proper in the facts and circumstances of the present case and in the interest of justice/equity.”

2. According to the petitioner, he is a suspended director of ‘Associate Décor Limited’, a company which is undergoing Corporate Insolvency



Resolution Process (**CIRP proceedings**) before the National Company Law Tribunal at Bengaluru (**NCLT**). One Mr. Alok Kailash Saxena, Insolvency Professional, was appointed as the Resolution Professional (**RP**) in the said CIRP proceedings. As per the petitioner, the RP has committed various irregularities towards the discharge of his duties, with respect to which, the former has filed a formal complaint before the respondent-authorities on 17.05.2025, under the provisions of the Insolvency and Bankruptcy Board of India (Grievance and Complaint Handling Procedure) Regulations, 2017. Subsequent to the same, *vide* letter dated 23.07.2024, the petitioner has been informed that appropriate proceedings have been initiated against the RP.

3. The petitioner's grievance is that despite initiation of show cause proceedings on 30.07.2024 against the RP who filed his reply before the respondent authorities on 23.08.2024, there has not been any progress in the same ever since.

4. At the outset, it is seen that the grievance of the petitioner is with respect to the conduct of the RP in the CIRP proceedings of 'Associate Décor Limited' pending before NCLT, Bengaluru.

5. Mr. Shivam Singh, learned counsel for the petitioner, however, contends that the impugned action herein, is the lack of any progress in the show cause proceedings initiated against the RP by the respondent-authorities, which are situated in New Delhi. Therefore, according to him, the entire cause of action for the present petition arose within the jurisdiction of this Court.

6. The Court finds that the pending show cause proceedings against the RP, which is the subject matter of this petition is intricately connected with the CIRP proceedings pending before the NCLT, Bengaluru. The



petitioner's complaint before the respondent authorities and the subsequent developments in furtherance of the same cannot be separated from the underlying circumstances. A comprehensive perusal of the facts underlying the petitioner's grievance would indicate that the material, integral, and substantial part of the cause of action, has arisen outside the jurisdiction of the Court.

7. Insofar as the submission that since the respondent-authorities are situated in New Delhi, the Court ought to entertain the petition is concerned, reference can be made to the decision of this Court, in ***The Indure Pvt. Ltd. v. Government of NCT of Delhi***.¹ The relevant portion of the decision is extracted below, for reference:

“37. Naturally, being the capital of the Country, various authorities and bodies having pan-India jurisdiction would be located within the jurisdiction of this Court. Merely because the decision making authority happens to be in Delhi, ought not to be the sole reason to entertain a lis in this Court. The decision, no doubt, may be passed in the national capital, but it is usually against persons situated outside Delhi; and even more importantly, for actions which took place beyond the borders of this Court. The act of giving a hearing in Delhi, or the passing of an order in Delhi, is merely a result of a body/authority being situated in the national capital, it has nothing to do with the lis, the offending action, the legal injury or the foundational facts on the basis of which action is being taken.

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42. It is the substance of the matter which the Court must consider in determining the connection with Delhi. An order being passed by an authority in Delhi is an unchanging constant. This static/uniform facet, which is unmoved by the nature of the lis, ought not to determine where territorial jurisdiction would lie.”

8. The petitioner may be correct in contending that a part of cause of action lies in New Delhi, however, the same cannot not be the sole

¹ 2026:DHC:1605



determinative factor to entertain the writ petition as has been held in the case of *Kusum Ingots & Alloys Ltd. v. Union of India and Anr.*², wherein, the Court has held as under:

“Forum conveniens

30. We must, however, remind ourselves that even if a small part of cause of action arises within the territorial jurisdiction of the High Court, the same by itself may not be considered to be a determinative factor compelling the High Court to decide the matter on merit. In appropriate cases, the Court may refuse to exercise its discretionary jurisdiction by invoking the doctrine of forum conveniens.”

9. In view thereof, considering the facts and circumstances of the present case, the Court deems it appropriate to relegate the petitioner to the jurisdictional High Court.
10. All rights and contentions of the parties are left open.
11. The instant petition stands dismissed.

PURUSHAINDR KUMAR KAURAV, J

MAY 22, 2026

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² (2004) 6 SCC 254