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

% ***Date of Decision: October 28th, 2026***

\# **CNR No. DLHC010515902026**

\+ W.P.(C) 15845/2026 & CM APPL. 74060/2026

SHARAD KUMAR JHUNJHUNWALA .....Petitioner

Through: Mr. Pratyush Sharma and Ms.Soumya Kandwal, Advocates.

versus

THE INSTITUTE OF COMPANY SECRETARIES OF INDIA & ANR. .....Respondents

Through: Mr. Bhaskar Bhardwaj and Mr.Vakeel Ahmed, Advocates for R1.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

AMIT MAHAJAN, J. *(Oral)*

1. By the present petition, the petitioner challenges the order dated 06.05.2024 (hereafter '**impugned order**') passed by the Board of Discipline of Respondent No. 1 whereby the petitioner's complaint against Respondent No. 2, then member of the Central Council of the Institute, was closed at the threshold on the ground that the same was barred under Section 36 of the Company Secretaries Act, 1980.

2. Succinctly stated, the petitioner had preferred a complaint in relation to an alleged exchange that took place between the petitioner and Respondent No. 2 at the Western India Regional Office of the Institute in Mumbai on 29.03.2019. It is the case of the petitioner that

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he was posted as Assistant Director (Academics) at the aforementioned office of the Institute and on 29.03.2019, when Respondent No. 2 visited the Institute as Chief Guest for attending a valedictory session; Respondent No.2 allegedly summoned the petitioner to his cabin and started making condescending remarks about the petitioner's attendance and leave. It is further the case of the petitioner that Respondent No.2 intimidated him and also used insulting language which was objected to by the petitioner. Thereafter, the petitioner was suspended from service and after the conduction of an enquiry, the petitioner was dismissed from service on 28.11.2019.

3. The petitioner has challenged his dismissal from service by way of a separate writ petition being W.P.(C) 275/2022 and the same is pending adjudication before this Court.

4. The petitioner is aggrieved that his complaint pertaining to allegations of condescending remarks, intimidation, and use of insulting language by Respondent No. 2 was not registered and the same was dismissed at the threshold by the Board of Discipline of Respondent No. 1. For the same, the present petition has been preferred.

5. The learned counsel for the petitioner submits that the impugned order is erroneous inasmuch as the actions of Respondent No. 2 cannot fall under the '*good faith*' immunity encapsulated under Section 36 of the Company Secretaries Act, 1980. He submits that Respondent No.1 erroneously refused to register the complaint of the petitioner. He submits that the petitioner could not earlier prefer the

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writ petition as the petitioner was suffering from mental as well as financial hardships. He consequently prays that Respondent No. 1 be directed to register the petitioner's complaint against Respondent No.2.

6. I have taken note of the grievance of the petitioner.

7. At the outset, however, before this Court could be persuaded to consider the case on its merits as the petition encounters a substantial objection of delay and laches. Pertinently, the impugned order was passed way back on 06.05.2024 whereas the present petition has been filed much later on 22.10.2026 concerning an incident which itself is over seven years old.

8. The petitioner has sought to attribute the delay to mental and financial hardship following his dismissal from service. While this Court has noted and is not unmindful of the justification tendered by the petitioner, the same does not satisfactorily explain the petitioner's failure to challenge the impugned order for over two years and five months.

9. It is trite that although no period of limitation is ascribed to the exercise of jurisdiction under Article 226 of the Constitution of India, the remedy must be invoked within a reasonable time. The jurisdiction under Article 226 of the Constitution of India is discretionary and equitable and stale claims may be declined on the basis of delay and laches alone. It has consistently been emphasised in a catena of decisions that a writ petitioner guilty of delay and laches may be non-suited on that ground itself [Ref. ***Mrinmoy Maity v. Chhanda Koley*** **:**

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(2024) 15 SCC 215]. As noted above, the petitioner has failed to satisfactorily justify why the impugned order could not be challenged within a reasonable time.

10. Even otherwise, if this Court were to look into the merits of the relief sought by the petitioner, the underlying complaint only relates to a specific workplace interaction occasioned way back in March 2019. Reopening disciplinary proceedings at this belated stage would require the examination of a stale, fact dependent controversy, notwithstanding that the petitioner was aware of the closure of his complaint in May 2024 itself.

11. The petitioner, in the aftermath of the said incident, claims to have been dismissed from service. The said dismissal from service has already been challenged by way of a writ petition being W.P.(C) 275/2022 and the same is pending adjudication before this Court.

12. As discernible from the pleadings itself, the immediate grievance sought in the present petition stems from an alleged personal exchange with Respondent No. 2 concerning the petitioner's attendance and leave including allegedly insulting remarks. Though it has sought to be impressed upon this Court that the same is a professional misconduct, the controversy finds its roots in an interpersonal incident. The petitioner, thus, in substance, seeks to open disciplinary proceedings against Respondent No. 2 with the possibility of punitive consequences. However, the jurisdiction of this Court under Article 226 of the Constitution of India is not intended to serve as an instrument for settling personal scores or securing punishment at

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the instance of the complainant that too after permitting the cause to remain stale for a prolonged period.

13. In the light of the aforesaid, no ground to exercise jurisdiction under Article 226 of the Constitution of India is made out.

14. The present petition is accordingly dismissed. Pending application also stands disposed of.

AMIT MAHAJAN, J

OCTOBER 28, 2026
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