

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 11944 of 2025**

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CHANDRA PRAKASH JAIN**Versus****INSOLVENCY AND BANKRUPTCY BOARD OF INDIA (IBBI)**

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Appearance:**MR PERCY KAVINA, SENIOR ADVOCATE with****MR RAHUL S. BHAVSAR(13704) for the Petitioner(s) No. 1****MR. GNANESH G BHATT(10015) for the Petitioner(s) No. 1****MR. MAYUR JUGTAWAT(18110) for the Petitioner(s) No. 1**

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CORAM:HONOURABLE MRS. JUSTICE MAUNA M. BHATT**Date : 11/09/2025****ORAL ORDER**

1. This petition is filed challenging the order dated 20.08.2025 (Annexure-A, Page No. 47) passed by the Disciplinary Committee of the Insolvency and Bankruptcy Board of India, whereby the petitioner's registration has been suspended for a period of 6 months from the date of expiry of 30 days from the date of order dated 20.08.2025.

2. Heard learned Senior Advocate Mr. Percy Kavina assisted by learned advocate Mr. Rahul Bhavsar for the petitioner. Learned Senior Advocate for the petitioner submitted that the order dated 20.08.2025 of Disciplinary Committee of the Insolvency and Bankruptcy Board of India is unjust and void ab-initio since the proceedings initiated pursuant to the show-

cause notice issued under Section 219 of the Insolvency and Bankruptcy Code, 2016 (for short 'the Code, 2016') dated 27.02.2025 is erroneous. As per the definition of Board as defined under Section 2 r/w Section 188 of the Code, 2016, the Board which is a body constituted is empowered to issue show-cause notice. In this case, the show-cause notice is issued by the Chief General Manager of the Insolvency and Bankruptcy Board of India. Further, if the impugned order dated 20.08.2025 is perused, the same is passed by the full time member of the Insolvency and Bankruptcy Board of India who is the party to the investigation. As per Regulation No. 3(1) of the Insolvency and Bankruptcy Board of India (Inspection and Investigation) Regulations, 2017 the Investigating Authority is prohibited to be a part of Disciplinary Committee and the same being done here the order dated 20.08.2025 suspending the petitioner's registration being void ab-initio deserves to be quashed and set aside.

2.1 In relation to maintainability of present petition, learned Senior Advocate submitted that there is no appeal prescribed under the Code, 2016 and the only remedy is to file this petition under Article 226 of the Constitution of India. Learned Senior Advocate in support of his submissions in relation to maintainability of the petitioner under Article 226 of the Constitution of India has relied upon orders dated 20.07.2022 passed in Special Civil Application No. 13767 of 2022, 02.12.2022 passed in Special Civil Application No. 24566 of 2022 and 06.05.2024 passed in Special Civil Application No. 7789 of 2024.

3. Considering the submissions, issue **Notice** returnable on **03.11.2025**. The effect and execution of order dated 20.08.2025 shall remain stayed till the next date of hearing.

4. Over and above normal mode of service, direct service is to respondents is permitted.

(MAUNA M. BHATT,J)

SHRIJIT PILLAI