

Present: Mr. Puneet Bali, Senior Advocate assisted by  
Mr. Rajansh Thukral and Mr. Sachin Jain, Advocates,  
for the petitioner.

Mr. Satya Pal Jain, Additional Solicitor General of India,  
Assisted by Mr. Arun Gosain, Senior Govt. Counsel,  
for the respondents.

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Notice of motion.

Mr. Arun Gosain, Senior Govt. Counsel accepts notice on behalf  
of the respondents, and seeks time to file reply to the contentions raised in the  
Writ Petition.

In this Writ Petition, the petitioner is questioning order dt.  
06.05.2022 (Annexure P-1) passed by the Disciplinary Committee of  
respondent No.1 (Respondent No.2) under Section 220 of Insolvency and  
Bankruptcy Code, 2016 read with Regulation 13 of the Insolvency and  
Bankruptcy Board of India (Inspection and Investigation) Regulation, 2017  
under which the petitioner's registration as Insolvency Professional has been  
suspended for a period of one year.

One of the contentions raised by counsel for the petitioner is that  
the impugned order has been passed by Sh. Ravi Mittal, Chairperson, IBBI,  
(Respondent No.2) and that as per Annexure P-14, which is a screenshot  
taken from the website of respondent No.1, he was associated with Punjab  
National Bank, who had in fact lodged the complaint against the petitioner.

It is his contention that this fact was not known to the petitioner  
before the said order was passed, and it was duty of respondent No.2 to  
disclose this fact before he passed the said order, but he did not do so. He  
also contended that "justice must not only be done but must be seen to be  
done", and in the facts and circumstances of the case, the impugned order is  
required to be suspended.

Sh. Satya Pal Jain, Additional Solicitor General of India,  
appearing on behalf of the respondents, submits that the issue about bias of

disciplinary authority was not raised during the course of hearing, that no prejudice has been caused and that all the Rules of the principles of natural justice were otherwise followed.

He further sought time to file a short reply, and also to seek instructions on the document Annexure P-14.

If the fact that the Disciplinary Committee (Respondent No.2) i.e. Sh. Ravi Mittal, Chairperson, IBBI, who has passed the impugned order was associated with the complainant-Punjab National Bank, was not known to the petitioner at the time when the matter was heard by him, it cannot be said that there is any waiver on the part of the petitioner on the plea of bias.

The association of Sh. Ravi Mittal, who had passed the order against the petitioner on 06.05.2022 with the Punjab National Bank is made out from (Annexure P-14). Therefore, it was *prima facie*, improper for him to hear the complaint made by PNB against the petitioner on account of possible bias. Therefore, there shall be interim suspension of the impugned order dt. 06.05.2022 (Annexure P-1).

List on 11.07.2022.

Let the reply be filed on or before the next date of hearing with a copy in advance to the counsel for the petitioner.

**(M.S. RAMACHANDRA RAO)**  
**JUDGE**

**(JASJIT SINGH BEDI)**  
**JUDGE**

**May 25, 2022**  
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