

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 6988 of 2023**

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BHUPENDRA SINGH RAJPUT S/O NARAYAN SINGH RAJPUT
Versus
INSOLVENCY AND BANKRUPTCY BOARD OF INDIA (IBBI)

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Appearance:

MR PERCY C. KAVINA, SENIOR COUNSEL with MR.VISHAL J DAVE(6515)
for the Petitioner(s) No. 1
NIPUN SINGHVI(9653) for the Petitioner(s) No. 1
for the Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI

Date : 20/04/2023

ORAL ORDER

Heard Mr. Percy C. Kavina, the learned Senior Counsel assisted by Mr. Vishal J. Dave, the learned advocate appearing for the writ-applicant.

By way of present writ-application the writ-applicant herein has challenged the order passed by the respondent Board dated 23.3.2023 vide No.IBBI/DC/156/2023 (Annexure-A).

Mr. Kavina, the learned Senior Counsel on the merits of the order impugned dated 23.3.2023 submitted that the impugned order is signed by one member only. It is against the provisions of Section 220(1) of the Insolvency and Bankruptcy Code, 2016. Placing reliance on the same it was submitted that the said provision clearly stipulates the Disciplinary Committee shall consist of “whole time members”

and hence it could be construed as comprising of atleast “two whole time members” whereas in the facts of the present case the coram comprises of a single member, hence submitted that the said order dated 23.3.2023 be stayed.

Issue notice making it returnable on 15.6.2023.

Considering the aforesaid submissions advanced by Mr. Kavina, the learned Senior Counsel and considering the order passed in the Special Civil Application No.13767 of 2022 dated 20.7.2022, the order impugned dated 23.3.2023 vide No.IBBI/DC/156/2023 (Annexure-A) is stayed till next returnable date.

Direct service is permitted.

K.K. SAIYED

(VAIBHAVI D. NANAVATI,J)