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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4127/2026 and CM APPL. 20141/2026**

Date of decision: **30.03.2026**

ANIL ANCHALIA

.....Petitioner

Through: Appearance not given.

versus

INSOLVENCY AND BANKRUPTCY BOARD OF INDIA & ANR.

.....Respondents

Through: Mr. Ashish Verma, Ms. Kriti,
Advocates for R-1.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

J U D G E M E N T

PURUSHAINDR KUMAR KAURAV, J. (ORAL)

1. The instant petition is for the following reliefs:-

“a) Issue a writ of certiorari or any other appropriate writ, order, or direction, quashing and setting aside the impugned Disciplinary Committee Order No. IBBI/DC/305/2026 dated 26.02.2026 passed by Respondent No. 1, along with the consequential Show Cause Notice No. COMP- 1011/95/2025-IBBI/1811-1335 dated 10.09.2025, as being arbitrary, perverse, ultra vires the IBC and Regulations, violative of Articles 14 and 21 of the Constitution, and vitiated by non-application of mind, violation of natural justice, and disproportionate penalty;

b) Issue a writ of mandamus or any other appropriate writ, order, or direction, commanding the Respondent No. 1 to forthwith restore the Petitioner's registration as Insolvency Professional (Reg. No. IBBI/IPA-01/IP-P00049/2017-2018/10123) with immediate effect, withdraw all notifications/enforcements of suspension, and grant all consequential benefits including continuity in ongoing assignments, notification to stakeholders/CoCs, and protection against any adverse entry in IBBI



records;

c) Pending disposal of the present petition, issue an interim stay restraining the Respondents, its officers, its authorized agencies, or subordinates from enforcing the impugned order or Show Cause Notice, implementing the 2-year suspension of registration of the Petitioner effective on or about 28.03.2026, or taking any coercive/recriminatory action against the Petitioner, including recovery or further proceedings, to prevent irreparable harm to his livelihood, reputation, and professional standing;

d) Pending disposal of the present petition, issue an interim stay on the suspension of the Authorisation for Assignment (AFA) issued by the Respondent No. 1 or its authorized agency, thereby permitting the Petitioner to continue his profession as an Insolvency Professional, as the same constitutes his primary source of livelihood.

e) Issue a writ of certiorari or any other appropriate writ, order or direction declaring Regulation 10A of the IBBI (Inspection and Investigation) Regulations, 2017 as ultra vires Section 218/220 of the Insolvency and Bankruptcy Code, 2016 to the extent it purports to substitute complaint examination for formal investigation;

f) Award costs of the petition, including advocate's fees and incidental expenses, to the Petitioner throughout;

g) Pass such other and further orders, directions, or reliefs as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice, equity, and good conscience.”

2. The facts of the case would indicate that the petitioner is a Chartered Accountant and a registered Insolvency Professional with the Insolvency and Bankruptcy Board of India (**‘IBBI’**) since 2017. The Corporate Insolvency Resolution Process (**‘CIRP’**) of Gemus Engineering Limited was admitted by the National Company Law Tribunal (**‘NCLT’**), Kolkata Bench, on 30.04.2024. One Mr. Arun Kumar Gupta was initially appointed as Interim Resolution Professional (**‘IRP’**). On 18.07.2024, the petitioner was appointed as the Resolution Professional by the Committee of Creditors (**‘CoC’**) and managed the CIRP.



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3. The CIRP concluded with an order for liquidation dated 17.12.2024, and a Liquidator was appointed. All relevant documents and records were handed over to the Liquidator in December 2024 and January 2025. The petitioner operated the CIRP bank account post-liquidation allegedly only for administrative purposes to settle CoC-approved CIRP costs and to refund the initial contribution made by the corporate applicant contending that the Liquidator's bank account was not operational. A complaint was filed by the former IRP alleging unauthorized operation of the CIRP bank account. Based on this, IBBI issued a Show Cause Notice dated 10.09.2025, and the Disciplinary Committee suspended the petitioner's registration for two years on 26.02.2026.

4. The petitioner is residing in Kolkata, State of West Bengal, and is a registered Insolvency Professional engaged in professional assignments, CoC proceedings, and other related activities primarily in Kolkata. The respondents are situated in Delhi, and the impugned Show Cause Notice dated 10.09.2025 and the suspension order dated 26.02.2026 were issued from its offices in Delhi. The sole basis for invoking the jurisdiction of this Court appears to be the situs of issuance of the impugned orders. However, this alone would not, *ipso facto*, confer jurisdiction under Article 226 of the Constitution of India.

5. Learned counsel for the petitioner submits that the authority which has issued the Show Cause Notice, is situated in Delhi. The impugned order has been passed in Delhi and the petitioner does not have any relation with the NCLT proceedings, which according to him are independent and are distinct from the one which are sought to be carried out against the petitioner. He also submits that since the cause of action has arisen within



the jurisdiction of this Court, therefore, the petitioner has a right to approach this Court.

6. Having heard learned counsel for the petitioner, the Court finds that a part of cause of action has arisen within the jurisdiction of this Court. However, the Supreme Court in the case of ***Kusum Ingots & Alloys Ltd. v. Union of India and Anr.***,¹ has held 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*. The material portion of the aforementioned decision reads 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*. [See *Bhagat Singh Bugga v. Dewan Jagbir Sawhney* [AIR 1941 Cal 670 : ILR (1941) 1 Cal 490] , *Madanlal Jalan v. Madanlal* [(1945) 49 CWN 357 : AIR 1949 Cal 495] , *Bharat Coking Coal Ltd. v. Jharia Talkies & Cold Storage (P) Ltd.* [1997 CWN 122] , *S.S. Jain & Co. v. Union of India* [(1994) 1 CHN 445] and *New Horizons Ltd. v. Union of India* [AIR 1994 Del 126] .]”

7. This Court in ***The Indure Pvt. Ltd. v. Government of NCT of Delhi***,² took note of the decisions in ***Shristi Udaipur Hotels v. Housing and Urban Development Corp.***,³ ***Riddhima Singh v. Central Board of Secondary***

¹ (2004) 6 SCC 254.

² 2026:DHC:1605.

³ 2014 SCC OnLine Del 2892.



Education,⁴ *Smt. Manjira Devi Ayurveda Medical College and Hospital v. Uttarakhand University of Ayurveda and Ors.*,⁵ *Michael Builders and Developers Pvt. Ltd. v. National Medical Commission and Ors.*,⁶ which declare that the situs of the head office/registered office of the respondent, does not determine whether the Court has the requisite territorial jurisdiction to entertain a writ petition.

8. The Court in *The Indure Pvt. Ltd.* importantly noted, at para. 36:

“36. A petitioner who approaches this Court to assail a decision of an authority situated in Delhi, when the underlying cause for the said decision lies elsewhere, effectively attempts to make this High Court a mini-pan-India Superior Court exercising jurisdiction over all events which take place throughout this Country. There is no gainsaying with the proposition that every High Court is competent to adjudicate upon a lis which arises from events or actions taking place within its territory. Merely because the ultimate order, which is based on events taking place outside Delhi and takes cognizance of actions outside of Delhi, is passed within the jurisdiction of this Court, a writ petition ought not be entertained by this Court.”

9. On the issue of a claimant approaching this Court on the sole-ground of the respondent-authority, being situated within the jurisdiction of this Court, it was observed at para. 37-38:

“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.

⁴ 2023 SCC OnLine Del 7168.

⁵ 2024:DHC:6903-DB

⁶ 2024:DHC:7146.



38. The case-law cited above, makes repeated reference to “dominant facts”, and facts which are “material, essential and integral” to the lis in question. In most cases, the fact that the order is passed, or the head office is located, or that opportunity of hearing was afforded, within the jurisdiction of this Court is completely immaterial, non-essential, and non-integral to the dispute in question. Any of the aforesaid three aspects could very well have taken place in another part of the Country, it is for the sole reason that Delhi is the national capital, that, in most cases these factors get connected to the jurisdiction of this Court. From another lens, it may be seen that regardless of what the underlying facts or legal injury/infringement may be, the order impugned would, in an overwhelming number of cases be passed from Delhi. If this be the case, can this constant factum, which shall remain present in each case, be considered a “dominant fact” or a “material, essential and integral” fact? The answer must be in the negative.”

10. Ultimately, the Court concluded that the substance of a matter must be adjudged, and not the unchanging constant which is present in every petition against a state-authority, to arrive at a conclusion on whether to entertain a petition in the context of territorial jurisdiction and *forum non conveniens*. At para. 42 this Court observed:

“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.”

11. In the facts of the instant case, there may be a part of cause of action has arisen in Delhi, however, the same should not be the sole reason to entertain the instant petition.

12. For all the aforesaid reasons, despite a part of cause of action has arisen in Delhi, the Court relegates the petitioner to the jurisdictional High Court.

13. With the aforesaid observations, the instant petition stands dismissed



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along with all pending applications.

14. All rights and contentions of the parties are left open.

15. So far as the submission with respect to the interim protection is concerned, the Court is of the view that the same cannot be granted in view of the decision passed by the Supreme Court in case titled as *Mangal Rajendra Kamthe vs. Tahsildar, Purandhar & Ors.*⁷, whereby, it is held that once a petition stands dismissed, the Court becomes *functus officio*.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

MARCH 30, 2026

Nc

⁷ 2026 INSC 185