



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-11-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

**WP No. 42727 of 2025
& WMP.Nos.47794 & 50517 of 2025**

Adv.(CA) V.Venkata Sivakumar
No.10/11 Dr.Subbarayan Nagar Main
road Kodambakkam Chennai – 600 024
Email: arunasri.siva@gmail.com

Petitioner(s)

Vs

1.Disciplinary Committee,
Represented by Executive Director
Mr.Shri Satish Sethi
Insolvency and Bankruptcy Board of India
7th Floor, MayurBhawan, Shankar Market
Connaught Circus, New Delhi – 110 001.
Email: ipmonitoring@ibbi.gov.in

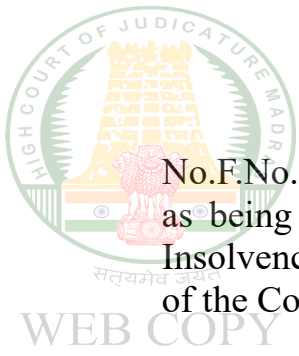
2.Shri Kulwant Sing,
Executive Director,
Legal and Prosecution Division – IBBI
7th Floor, MayurBhawan, Shankar Market
Connaught Circus, New Delhi – 100 001,
Email: s.kulwant@ibbi.gov.in

3.Deputy General Manager-IBBI
7th Floor, MayurBhawan, Shankar Market
Connaught Circus, New Delhi – 110 001,
Email: kk.giridhari75@ibbi.gov.in

Respondent(s)

PRAYER

This writ petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari, calling for the records of the decisions made by the 3rd Respondent in the impugned order bearing File



No.F.No.IBBI/C/2024/01059/1812/1355 dated 11-09-2025, and quash the same as being manifestly Arbitrary, illegal, and in violation of Section 219 of the Insolvency and Bankruptcy Code, 2016 (IBC) and Article 14, 19, 20(2) and 21 of the Constitution of India.

For Petitioner(s): Adv(CA) V.Venkata Sivakumar
(party-in-person)
For Respondent(s): Mr.S.R.Sundar,
Senior Standing Counsel
for IBBI

ORDER

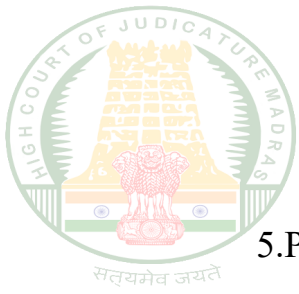
This writ petition is filed to call for the records of the decisions made by the 3rd Respondent in the impugned order bearing File No.F.No.IBBI/C/2024/01059/1812/1355 dated 11-09-2025, and quash the same as being manifestly Arbitrary, illegal, and in violation of Section 219 of the Insolvency and Bankruptcy Code, 2016 (IBC) and Article 14, 19, 20(2) and 21 of the Constitution of India.

2.The case of the prosecution is that the petitioner is an Resolution Professional and a Member of the first respondent, who is the Regulator with Disciplinary Jurisdiction. The petitioner is a gold medalist in graduation, a Chartered Accountant and a holder of master's decree in law (LLM Constitutional Law) currently practising as an Advocate. The petitioner has been actively engaged in public interest litigation, including several PILs aimed at reforming the functioning of the Insolvency and Bankruptcy Board of India (IBBI), which is the regulatory body under whose jurisdiction the petitioner operates.



3. The further case of the petitioner is that despite the petitioner's efforts to safeguard the public funds running into more than Rs.37 lakh Crores lost notionally the IBBI has initiated a series of baseless complaints against the petitioner, issuing show cause notices and suspensions that have repeatedly been stayed by this Court. One such show cause notice is the impugned notice issued under Section 219 of the Insolvency and Bankruptcy Code (IBC). Challenging the same, the present writ petition has been filed.

4. The learned party-in-person would submit that for ordering the show cause notice under Section 219 of the Insolvency and Bankruptcy Code (IBC), reasons has to be recorded, for ordering investigation against the member of the respondent. However, in the information received from the RTI reply it is seen that no reasons were recording, for ordering investigation against the member of the respondent. He would also submit that the instant show-cause notice is a tailor-made show cause notice, which has been passed without providing any opportunity to petitioner. He also submitted that earlier, another show cause notice was issued to the petitioner, suspending the membership of petitioner and that the same came to be challenged before this Court and is still pending. The learned counsel would further add that since the impugned show cause notice has been issued without assigning any reasons, the same is not sustainable and hence, prays for setting aside the same and thereby, to allow the present writ petition.



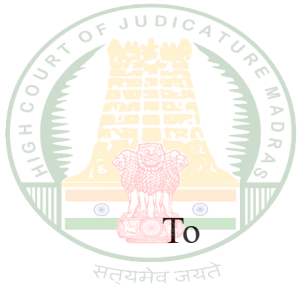
5.Per contra, the learned Senior Standing Counsel for the respondent would submit that in the earlier show cause notice issued to the petitioner, final order has been passed and the same has been challenged by the petitioner before this Court and the same is pending. However, he would submit that in the present case, the impugned order is only a show cause notice and that the show cause need not contain all the issues. Further that, without filing a reply to the show cause notice, filing the present writ petition, is not sustainable and accordingly prays for appropriate orders

6.Heard both sides and perused the materials available on record.

7.It is seen that the impugned order is only a show cause notice calling upon the petitioner for an enquiry. Without filing a reply to the show cause, preferring the present writ petition is not sustainable. Therefore, the writ petition is disposed of, with liberty to the petitioner to canvass all the points before the respondent authority. No costs. Consequently, connected miscellaneous petition are closed.

25-11-2025

Tsg
Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No



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Disciplinary Committee,
Represented by Executive Director
Mr. Shri Satish Sethi
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M.DHANDAPANI J.

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