

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

I.A. No. 6679 of 2026 & I.A. No. 6680 of 2026
In
Company Appeal (AT) (Insolvency) No. 1612 of 2026

IN THE MATTER OF:

Navneet Gupta Insolvency Professional **...Appellant**

Versus

Insolvency and Bankruptcy Board of India **...Respondent**

Present:

For Appellant : **Mr. Abhishek Anand, Mr. Karan Kohli, Ms. Palak Kalra and Ms. Shruti Srivastava, Advocates.**

Mr. Deepak Khosla, Advocate for the Applicant

For Respondent : **Mr. Naveen Pawah, Sr. Advocate with Mr. Ashish Verma, Mr. Nikhil Thakur and Ms. Kriti, Advocates.**

Mr. Inderbir Singh Alag, Sr. Advocate with Mr. Kumar Anurag Singh, Mr. Zain A. Khan, Mr. Dev Aaryan, Mohd. Abran Khan, Mr. Manoranjan Nayak and Mr. Nakul Mohta, Advocates.

O R D E R

Per Justice Sharad Kumar Sharma, Member (Judicial)

1. Before us, under consideration are the two interlocutory applications, being I.A. Nos. 6680 of 2026 and 6679 of 2026, preferred by Mr. Ajmair Singh Bhullar and Mr. Haravtar Singh Arora respectively. By virtue of these applications, the Applicant has sought recall of the Order dated 10.09.2026 that was passed in I.A. No. 6230 of 2026, preferred by the Applicant himself i.e., Mr. Haravtar Singh Arora, seeking himself to be impleaded in the proceedings of the Company Appeal, which had already stood rejected.

While Mr. Ajmair Singh Bhullar, sought his limited impleadment in stay application being I.A. No. 6168 of 2026, while he is not party to Company Appeal.

2. It becomes indispensable for us to directly consider the application bearing I.A. No. 6679 of 2026, itself without considering the background and the manner in which the proceedings have been traversed by the Applicant.

3. The Company Appeal had been preferred by Mr. Navneet Gupta, the Insolvency Resolution Professional, wherein the IBBI, the Regulator while considering the response of Appellant, as submitted in response to the Show Cause Notice issued to him, for his professional misconduct and dereliction in discharge of duties as a professional by way of Show Cause Notice (SCN) No. COMP/11011/110/2025-IBBI/1847/1797 dated 28.11.2025, for taking Penal action as per the provisions contained in the IBBI (Grievance and Complaint Handling Procedure) Regulations, 2017, had passed the impugned Order. Learned IBBI upon establishment of charge against the Appellant had proceeded to pass the following Order on 21.08.2026 which has been impugned by the Appellant:

“3.1. The DC in exercise of the powers conferred under Section 220 of the Code read with Regulation 13 of the IBBI (Inspection and Investigation) Regulations, 2017 hereby suspends the registration of Mr. Navneet Gupta (Registration No. IBBI/IPA-001/IP-P00361/2017-18/10619) for a period of one year.

3.2. This Order shall come into force on expiry of 30 days from the date of its issue.

3.3. A copy of this order shall be sent to the CoC of all the corporate debtors in which Mr. Navneet Gupta is providing his services. The CoC of the respective corporate debtors shall replace Mr. Navneet Gupta with another Resolution Professional in terms of Section 27 of the Code.”

4. Consequent to the establishment of set of allegations relating to proportional misconduct the Resolution Professional and the observations which have been made by the Disciplinary Committee, in exercise of its statutory powers conferred to it under Section 220 of the Code, which is to be read with Regulation 13 of the IBBI (Inspection and Investigation) Regulations, 2017, suspended the registration of Mr. Navneet Gupta, the IRP (Appellant), for a period of one year.

5. The Order, in itself, has been directed to be made effective after the expiry of 30 days from the date of its issuance. What would be more concerning would be the observations made in Para No. 3.3 of the impugned Order, which has been argued by the counsel for the parties, whereby the copy of the Order of suspending the licence of the IRP, was directed to be sent to the Committee of Creditors (CoC) and to all the Corporate Debtors (CDs) to which Mr. Navneet Gupta was providing his services as IRP.

6. Thereafter, it was also directed that the respective CoC of the Corporate Debtor, shall be placing the Order to the respective CoC of which

of Mr. Navneet Gupta was RP for replacing him with another Resolution Professional in terms of Section 27 of the Code. Section 27 of the Code prescribes for the replacement of the Resolution Professional by the CoC upon satisfaction of certain terms and conditions, which has been given in the Order itself, requiring for conditions for calling for the replacement, suspension or removal of the Resolution Professional by the CoC. In other words, the observation made in Para 3.3 of the impugned Order, that would have only taken effect subject to satisfaction of the conditions contained under Section 27 of the Code.

7. At this stage, we are not venturing on the merits of the observations made in the impugned Order, as extracted above, or its inter se play about its enforceability under Section 27 of the IBC qua the professional conduct of Appellant, which is to be decided in the Company Appeal.

8. One Mr. Haravtar Singh Arora (the Appellant) is shown to have preferred I.A. No. 6230 of 2026. In the application thus preferred by him on 01.09.2026, Mr. Haravtar Singh Arora prayed that he may be permitted to be impleaded in the proceedings of the Company Appeal and to permit the Applicant to exercise his powers under Order I Rule 8A of CPC to participate in the proceedings in a representative capacity. The relief as modulated by Mr. Haravtar Singh Arora in, his I.A. No. 6230 of 2026 is extracted hereunder:-

“That in view of the above facts and circumstances of the matter, it is humbly prayed that this Hon'ble Appellate Tribunal may:

i. Allow impleadment of the applicant as a Respondent in the present appeal.

ii. **INTERIM RELIEF (1):** Permit the applicant the exercise of his right under Order I (Rule 8A) of the CPC to take such further part in oral arguments on the questions of law that arise in these proceedings as may be deemed appropriate by this Hon'ble Tribunal.

iii. **INTERIM RELIEF (2):** Permit the power of Attorney Holder to file a copy of the Power-of-Attorney executed in favour of Mr. Taman Deep Singh by Mr. Haravtar Singh Arora, that has already been filed with multiple judicial forums, including Hon'ble NCLT (Chandigarh), on or before 02-09-2026 before this Hon'ble Appellate Tribunal.

iv. Pass ex parte orders on the above prayers

v. Any further interim order or direction which this Hon'ble Appellate Tribunal may deem fit and proper in the circumstances of the case be issued in favour of the appellant.”

9. If we see the interim relief, that was sought therein was in context of the provisions contained under Order I Rule 8A of the CPC, which reads as under:-

“8A. Power of Court to permit a person or body of persons to present opinion or to take part in the proceedings.—While trying a suit, the Court may, if satisfied that a person or body of persons is interested in any question of law which is directly and substantially in issue in the suit and that it is necessary in the public interest to allow that person

or body of persons to present his or its opinion on that question of law, permit that person or body of persons to present such opinion and to take such part in the proceedings of the suit as the Court may specify.”

10. Primarily the Applicant wanted to contest the proceedings of Company Petition in the representative capacity, as provided by Order I Rule 8A of CPC. This particular nature of contest of proceedings under the I&B Code is unknown to law, more particularly when the proceedings were against Resolution Professional, for his misconduct, in these proceedings there cannot be any such concept of contesting proceedings in a representative capacity.

11. Rule 8A of Order I of CPC, was inserted by Act No. 104 of 1976, which granted the power to the Court to permit a person or a body of persons to present an opinion or to take part in the proceedings. The provisions of Order I Rule 8A is not akin to Order I Rule 10 provides for impleadment, it only contemplate to be attracted when the Court draws an opinion or solicits to participate, its only when a person or body of persons is “interested in any question”. Before we venture further, we could see that, upon perusal of records that the application that was preferred was under a Power of Attorney, that was executed on 02.09.2026, as prescribed in the note clause of the application itself. The Power of Attorney in original is on record before various judicial forums, including NCLT Chandigarh, and it was marked that copy would be filed with NCLAT by 02.09.2026 positively. We make it

clear that till the date of passing of the Order i.e., dated 10.09.2026 which has been sought to be recalled, this Power of Attorney was never placed on record of I.A. No. 6230 of 2026 in order to justify the justification of Vakalatnama of Mr. Haravtar Singh Arora and the authority vested in him under the Power of Attorney to pursue the proceedings on behalf of the executant Power of Attorney holder, Mr. Taman Deep Singh. Thus the application itself was not competent to be considered under is the absence of valid Power of Attorney being placed on record.

12. This application, i.e., I.A. No. 6230 of 2026, came up for consideration before the Co-ordinate Bench of this Tribunal and was decided by an Order dated 10.09.2026, whereby the application was rejected on the ground that the Applicant had no right whatsoever to pursue the proceedings either individually or in representative capacity and the same was accordingly dismissed. What could be seen from the Order Sheet, that the proceedings were thereafter taken up on 16.09.2026 and, during the intervening period, Applicant Mr. Haravtar Singh Arora, filed a recall application on 14.09.2026, being I.A. No. 6679 of 2026 along with I.A. No. 6680 of 2026, which was filed by Mr. Ajmair Singh Bhullar wherein: (1) in I.A. No. 6679 of 2026, the Applicant, Mr. Haravtar Singh Arora, prayed for recalling of the Order dated 10.09.2026 that was passed in I.A. No. 6230 of 2026; (2) In I.A. No. 6680 of 2026, preferred by Mr. Ajmair Singh Bhullar, a prayer was made for to implead the Applicant, as a limited Respondent only in I.A. No. 6168 of 2026 for grant of interim relief limited for adjudication of prayer No. (iii) & (iv) thereof.

13. This application for recall of Order 10.09.2026, came up for consideration before the Co-ordinate Bench and, owing to the fact that the recall application itself was being pressed upon as if it was an argument being extended for a regular Appeal, the Co-ordinate Bench declined to hear the application, and thus it was nominated to us. Monitoring of time to hear a matter of this nature and that too on a recall is difficult owing to the expectation of the members of the Bar and at time atrociousness too, which was exercised by the Applicant. Thus the Co-ordinate Bench, on 17.09.2026, declined to hear because of the fact that the counsel for the Applicant, persisted hearing the matter on recall application, which was already argued at length, despite taking note of the fact that there were other matters pending before the Tribunal which were listed on board. Hence, the Tribunal was constrained to release the matter, to avoid any embarrassment in the court proceedings.

14. When the matter was placed before the Hon'ble Officiating Chairperson, the Company Appeal has been nominated before us. The learned counsel for the Applicant, Mr. Deepak Khosla for the Applicant Mr. Haravtar Singh Arora, has pressed his application I.A. No. 6679 of 2026 and I.A. No. 6680 of 2026 from the following perspectives: -

- a. That a fraud has been played upon the Tribunal,
- b. while passing the Order dated 10.09.2026; hence, it deserves to be recalled.
- c. Lack of jurisdiction.

15. We make it very clear that at this point of time itself that when C.A. (AT) (Ins.) No. 1612 of 2026 was being considered with the two IA's before the learned Tribunal on 10.09.2026, the learned counsel on behalf of the Applicant had represented the Applicant with all diligence and perseverance for which he is known, and was heard to quite an extent on 10.09.2026. It is at a much belated stage that the Appellant has come with a recall application by filing the same on 14.09.2026, primarily on the ground (1) that the order dated 10.09.2026 is actuated by fraud; (2) lack of jurisdiction.

16. The aspect of fraud has been an oriented venture, argued by the learned counsel for the Applicant to the recall application, on the ground that when the reply was filed by the Appellant in objection to I.A. No. 6230 of 2026, the reply was supported by an affidavit, which the Applicant to I.A. No. 6679 of 2026 contends that, because the affidavit filed in support thereto was a fraudulent affidavit, it would vitiate the entire proceedings and thus the reply given by the Appellant, should not have been taken into consideration by the learned Tribunal while passing the Order dated 10.09.2026, rejecting I.A. No. 1620 of 2026, that was filed by the Applicant, Mr. Haravtar Singh Arora, under Order I Rule 8A of CPC, for getting himself impleaded.

17. We make it very clear at this juncture itself that the ground of fraud, as articulated now to be argued by the learned counsel for the Applicant, owing to the affidavit filed in support of reply to I.A. No. 6230 of 2026, is not pleading anything or any allegation of fraud, with regard to any fraud in the

pleading of the application or the reply, but rather had exclusively confined his arguments upon the affidavit itself and the way it has been sworn. The counsel for the Applicant to I.A. No. 6679 of 2026, further submits that the notarized affidavit filed in support of the reply to the impleadment application, being I.A. No. 6230 of 2026, is not in consonance with Rule 72 of the NCLT Rules, the objection by Applicant was because of the fact that since the affidavit only speaks about **“attestation as identified”** and it does not mention that it was **“sworn”** on oath. Thus, he submits that contents of the affidavit in reply could not be taken into consideration for the purposes of deciding I.A. No. 6230 of 2026 because there was a fraud played by the Appellant, while filing the reply on 02.09.2026 to I.A. No. 6230 of 2026 filed for impleadment invoking Order I Rule 8A of CPC.

18. The counsel for the Applicant submits that much credence cannot be placed on the contents of para 2 of the affidavit, which explains as to how the contents have been read and understood by the deponent. In relation thereto, the learned counsel for the Applicant submitted that because of the fact that the notarized affidavit dated 02.09.2026 only mentions **“attestation”** and it is not a **“swearing”**, it cannot be treated as an affidavit.

19. This contention raised by the learned counsel for the Applicant now to support his recall application is not acceptable by us, and that too when for the purpose of establishing the so-called theory of fraud as vehemently argued by the learned counsel for the Appellant is exclusively rather only based upon the contents of the reply affidavit filed by the Appellant, and

more particularly when the contents of the affidavit itself is not denied, particularly in relation to the pleadings raised therein.

20. So far as the NCLAT Rules are concerned, the provisions in relation to the affidavit is contained under Part-XI of the NCLAT Rules. Part-XI reads as under:-

“67. Title of affidavits.-

Every affidavit shall be titled as “Before the National Company Law Appellate Tribunal.” followed by the cause title of the application or other proceeding in which the affidavit is sought to be used.

68. Form and contents of the affidavit.-

The affidavit as per Form NCLAT-4 shall conform to the requirements of order XIX, rule 3 of Civil Procedure Code, 1908 (5 of 1908).

*69. Persons authorised to **attest**.-*

*Affidavits shall be **sworn or affirmed** before an Advocate or Notary, who shall affix his official seal.*

70. Affidavits of illiterate, visually challenged persons.-

*Where an affidavit is **sworn or affirmed** by any person who appears to be illiterate, visually challenged or unacquainted with the language in which the affidavit is written shall be in Form NCLAT-5, the attester shall certify that the affidavit was read, explained or translated by him or in his presence to the deponent and that he seemed to understand it, and made his signature or mark in the presence of the attester.*

71. Identification of deponent.-

If the deponent is not known to the attester, his identity shall be testified by a person known to him and the person identifying shall affix his signature in token thereof.

72. Annexures to the affidavit.-

(1) Document accompanying an affidavit shall be referred to therein as Annexure number and the attester shall make the endorsement thereon that this is the document marked putting the Annexure number in the affidavit.

(2) The attester shall sign therein and shall mention the name and his designation.”

21. The learned counsel for the Applicant had restricted his argument from the perspective of Rule 72 of the NCLAT Rules, contending thereof that the affidavit filed in support of the reply/objection, to I.A. No. 6230 of 2026 cannot be read for the purposes of deciding I.A. No. 6230 of 2026 preferred by the Applicant for his impleadment in Company Petition (AT) (Ins.) No. 1612 of 2026. In order to deal with the argument extended by the learned counsel for the Applicant, we will have to read the provision of Part-XI in itself. The form and the nature of the affidavit, as contemplated under Part-XI of the Rules, prescribes that it has to be in accordance with Order XIX Rule 3 of the CPC. The purport of Order XIX Rule 3, which finds place under Rule 68 of the NCLAT Rules, provides as to what and how the contents of the affidavit would be. That was only for the purposes of verification of fact as a deponent and its knowledge, to the deponent, regards to the contents, to make the contents of affidavit judicially acceptable, and attach truthfulness to the contents of the affidavit and not only the format of it. Meaning thereby that the allegation of fraud in the affidavit in itself only

becomes relevant when the contents of the supporting affidavit are also argued to be based upon fraud and falsity.

Order 19 Rule 3: -

“3. Matters to which affidavits shall be confined. —

(1) Affidavits shall be confined to such facts as the deponent is able of his own knowledge to prove, except on interlocutory applications, on which statements of his belief may be admitted: provided that the grounds thereof are stated.

(2) The costs of every affidavit which shall unnecessarily set forth matters of hearsay or argumentative matter, or copies of or extracts from documents, shall (unless the Court otherwise directs) be paid by the party filing the same.”

22. According to Order XIX Rule 3, as made applicable by Rule 68 of the NCLAT Rules, its only to attach fairness to the knowledge of the contents, which has to be proved to be made acceptable in judicial proceedings by affidavit, and when, in the instant case, the contents of the reply itself are not denied by the Applicant Mr. Haravtar Singh Arora, the affidavit filed in support thereto would be treated to be a rectifiable defect and it would not malign the entire proceeding which already stands decided on merits, which could sustain or permit the recall application preferred by the Appellant seeking recall of the Order dated 10.09.2026, which in itself was a contested and concluded proceedings on merits.

23. Reverting back to the contents of Part-XI of the NCLAT Rules, Rule 72, if it exclusively pertains to **“verification of a document”** accompanying an

affidavit, for which an attester has to make an endorsement that the documents marked in Annexures are true in their contents. Rule 72 in itself only speaks about an “**attestation**”, which was a requirement under law, which, in the instant case, stood satisfied by the affidavit of 02.09.2026. Hence, the condition of attestation made by the Notary in the affidavit of 02.09.2026, as provided under Rule 72 of the NCLAT Rules, was satisfied.

24. Even in accordance with prescription of the format, prescribed for the affidavits as per the NCLAT Rules, as contemplated under Rule 68, it provides hereunder: -

*“Form NCLAT-4
[See Rule 68]*

*IN THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
_____BENCH*

Appeal/Petition/ /No. of 20_____

Appellant/Applicant

vs

Respondent/s

AFFIDAVIT

*I, aged..... years,
son/ daughter/ wife of
.....(name and occupation of the
deponent)..... residing at (Full
address)do hereby swear
in the name of God/solemnly affirm and state as
follows:*

*Para. 1
Para. 2
Para. 3
.....*

*Contents of Paragraphs Nos.are within
my personal knowledge and contents of Paragraphs
Nos.....are based on information received by
me which I believe the same to be true (state the
source of information wherever possible and the
grounds for belief, if any).*

Place : Signature of the Deponent

Date : Name in Block Letters

No. of corrections on page nos.

Identified by:

Before me

**.....*

*Sworn/solemnly affirmed before me on this the
.....day of ...200.....*

*Signature
(Name and Designation of
the Attesting Authority with Seal)*

**To add endorsement in Form No. when necessary”*

25. This format of the affidavit too, if it is read in consonance with Part-XI, Form NCLAT-4, issued under Rule 68, prescribes the format of the affidavit, which has been given hereinabove. The counsel for the Applicant has argued there was no **“swearing”** in the affidavit filed with the reply by the Appellant in opposition to the Impleadment Application No. 6230 of 2026. This argument is not acceptable, also for the reason that, according to the format of the affidavit given above, under NCLAT Form-4, it does not speak about swearing of an affidavit; it only speaks about attestation of the affidavit. In that eventuality too, the affidavit filed by the Appellant in reply to the impleadment application cannot be falsified to be actuated by fraud to deceive in any manner whatsoever.

26. A provision of law has to be pragmatically read in its totality to lead to its logical objective. The authority of authorization given to a person under Rule 69 of the NCLAT Rules, 2016 gives an option that the affidavit shall be “sworn or affirmed” before an officer or a Notary Public. Since the present affidavit dated 02.09.2026 was an affidavit attested by the Notary, as permitted under Rule 69 of the NCLAT Rules, 2016 it cannot be said that

the affidavit dated 02.09.2026 was a fraudulent document or that it was vitiated by its contents too, in the light of the provisions contained under Order XIX Rule 3 of the CPC, as attracted by Rule 68 of the NCLAT Rules.

27. Even in the absence of swearing (though not specifically required), the attestation exclusively in itself could still be permissible to read the affidavit in support of an application, which, in the instant case, was an accepted document by the Applicant to the recall application having contested upon it on merits. More glaringly, when the purpose of the affidavit, as per the language of Part-XI of the NCLAT Rules, 2016 is to provide authenticity to the affidavit and its contents, when the contents themselves are not denied by the Applicant even today in an application for recall preferred even today, the affidavit filed in support thereto cannot itself be rendered to be bad in the eyes of law because no element of fraud exists so far as the necessity of swearing of contents of affidavit, as argued by the learned counsel for the Applicant, is concerned.

28. The argument advanced by the learned counsel for the Applicant regarding the necessity of swearing is not acceptable, once again for the reason that, according to Rules 69 and 70 of NCLAT Rules, 2016 it provides that an affidavit has to be “sworn or affirmed”, which means that it could be either way. The affidavit could be taken and considered in the proceedings, whether it is sworn or affirmed. Here, the use of the word “or” in between the expressions given in Rules 69 and 70 is not to be read as the word “and”. Hence, either swearing of an affidavit or attestation of an affidavit in

accordance with Part-XI of the Rules would still be an acceptable attestation for reading a document for the purposes of the proceedings.

29. The reference made to Rule 72 by the learned counsel for the Applicant is absolutely untenable because there is no fraud as such, and the same cannot be accepted by this Tribunal while exercising our powers for consideration of recall application, seeking recall of the Order, which is restricted to the Order in itself, and more particularly when the contents of the reply and the supporting affidavit are not denied by the Applicant's counsel.

30. As we have already observed, the Appellant before this Tribunal, who is an RP, was as against the Order of suspension of the licence for a period of one year in pursuance of the action taken against him by the Disciplinary Committee. The Applicant, in the capacity of being the shareholder, Director or promoter of a third entity, not party to the proceedings, cannot be said to be at all necessary party in the absence of whom the disciplinary proceedings against the Appellant could not be decided because the Applicants claim would not be falling under or within the ambit of Order I Rule 8A of the CPC, as prayed for by the Applicant.

31. As we have already observed, the principal proceedings as against the Appellant had been in the shape of disciplinary proceedings drawn against him in accordance with Regulation 13 of the IBBI (Inspection and Investigation) Regulations, 2017. It was altogether a different subject that

was under consideration in the Company Appeal. Which had no nexus to the stand taken by the Applicant in his impleadment application.

32. The application for intervention/impleadment, though it was bad in law because it was not supported with the valid Power of Attorney, as mentioned in the note clause of the application, which was not supplied even till the date when the Order was passed, was also not maintainable on the said ground.

33. Besides that, since the intervention was being sought by the Applicant because of the fact that it impacts upon the liquidation proceedings drawn as against M/s James Hotel Limited, of which the Applicant claims himself to be the Director, Promoter, shareholder, and which has already been placed under liquidation in a pending proceeding, CP (IB) No. 15 of 2026, Punjab National Bank versus James Hotel, in which the present Appellant has been appointed as a liquidator, it is contended by the Appellant that his rights would also be affected because of the impugned Order, which is the subject matter of challenge in the instant Company Appeal.

34. It is argued by the learned counsel for the Appellant that, because of the observations made in Para 3.3 of the impugned Order, since there happens to be a suspension of the Appellant from carrying out any liquidation proceedings in relation to other entities, it may affect the proceedings of the liquidation of M/s James Hotel Limited. For that purpose, Para 3.3 of the impugned Order has to be read together with the first part of Para 3.3.

35. The copy of the Order suspending the licence of the IRP for a period of two years under Section 220 of the Code, to be read with Regulation 13, does not at all affect any right of the Applicant for the reason being that the direction contained in the second part of Para 3.3 of the Order was that the CoC of the respective CDs shall replace Mr. Navneet Gupta with another Resolution Professional in accordance with Section 27 of the Code.

36. The Applicant is not a member of the CoC for whom the direction was issued as per Para 3.3 of the impugned Order for replacing the Resolution Professional. As such, since the Appellant is not part of the CoC to whom the direction has been issued for removal of the Resolution Professional, the Applicant does not become a necessary party at all to be impleaded what to say about recall of Order rejecting his impleadment. Thus, it has been rightly observed in the Order dated 10.09.2026, the Applicant would not be necessary party whose presence would be at all needed to decide the Company Appeal.

37. Because of the fact that there is no fraud which is apparently established, merely because of the execution of the affidavit, the same is not accepted by this Tribunal. Thus the recall though not permissible cannot be permitted to be ventured on its merits and deserves rejection.

38. The argument in the context of Para 3.3, as raised by the Appellant, that it concerns him also is absolutely unfounded, because it was a general direction that was issued for a restraint as against the Appellant from

carrying out any proceedings as an Resolution Professional. However, that is to be exercised subject to certain riders, where the CoC of the respective CDs were supposed to restrain the Appellant from functioning as an IRP or a Resolution Professional in the light of the provisions contained under Section 27 of the Code.

39. This direction given in Para 3.3 was not unfettered, as it was not specifically confined to the Applicant; rather, it was restricted for complying with the provisions contained under Section 27 of the Code. Hence, this in itself too, will not entitle the Applicant to be impleaded, as argued by the counsel for the Applicant, that he becomes a necessary party, to the proceedings of this Company Appeal.

40. The rejection of his impleadment by an Order dated 10.09.2026 is backed by the fact that no aspect of fraud is made out by the Applicant as against the Order dated 10.09.2026, particularly in relation to the reply submitted by the Appellant to the impleadment application. The plea of fraud fails, more particularly when the plea of fraud attempts to enter de novo into the merits of the decision taken on merits, i.e., the Order dated 10.09.2026. The same cannot be exercised when fraud itself is not established.

41. The learned counsel for the Applicant to the recall application has primarily concentrated his argument from two perspectives, the one which we have already dealt with hereinabove, with regards the aspect of fraud. To attract those principles of fraud, it is necessary that the act complained of

must satisfy the ingredients required to establish fraud. Merely a projected plea by the counsel for the Applicant alleging bald allegation of fraud, cannot, in itself, lead to a conclusion that it is a fraud effecting merits, and more particularly when it is being generated by professional acumen of the counsel, in order to sustain the application for recall, which otherwise is not permissible under law, so far as it relates to the proceedings under the IBC, where a recall cannot be camouflaged to be adopted as a recourse of review.

42. For filing a recall on the basis of fraud, it is necessary for the Applicant to establish the parameters required to be satisfied to conclude that it is a fraud on fact effecting decision. Fraud, in its normal connotation, is a wrongful and criminal deception. It is intended to result in financial or personal gain. In the instant case, none of the ingredients was intended to be attained either a financial or personal gain by the Appellant herein, in whose favour the Order has been passed on an intervention application preferred by the Applicant, are established.

43. The prime object for fraud is that it has to have an intention, **“intention to deceive”**, by unjustifiably claiming or being credited with accomplishment or qualities of gain. As we have already discussed above, the pleadings raised in the recall application do not satisfy the aspect of fraud merely on the ground of the clauses contained in the affidavit and the way it has been interpreted by the learned counsel for the Applicant, when he had failed to establish, as to what was the intent to illegally gain the benefit, so far as it related to pressing of the application for intervention.

44. Literally, the fraud, as per the Oxford Dictionary, reads as under:-

“wrongful or criminal deception intended to result in financial or personal gain: he was convicted of fraud prosecutions for social security frauds. Person or thing intended to deceive others, typically by unjustifiably claiming or being credited with accomplishments or qualities: mediums exposed as tricksters and frauds.
- *ORIGIN MIDDLE ENGLISH: from Old French fraude, from Latin fraud, fraud-‘deceit, injury”*

45. Even according to the Law Lexicon, it deals with as to what actually the term “fraud” means under law, and it has widely described it that it means that it should aim to deceive in the grant of a benefit in a proceeding or while dealing with any other aspect which monetarily benefits the person who exercises fraud. It cannot be utilized as a general expression for the purposes of every misrepresentation or a concealment, which can constitute misrepresentation but not fraud.

46. The Webster’s Third New International Dictionary has defined “fraud” in the following terms: “It is an act or an omission to act or concealment by which one person obtains an advantage against conscious over another or which equity or public policy forbids as being prejudicial to another.”

47. None of these principles would be attracted in the present case, where the fact of establishment of fraud itself is not made out because of the reasons which we have already considered above.

48. The explanation given therein of fraud in the Oxford Dictionary, if it is read in the context of criminal law, which deals with its finalization upon holding of an offence of fraud, is dealt with under the Indian Penal Code (IPC) under Section 415, which is a criminal Act and which has certain background, which is otherwise motivated by an act of deceiving or dishonestly inducing a person to believe something which is not otherwise true. The element of fraud as contemplated under Section 415 of the IPC, to be read with Section 318 of the Bharatiya Nyaya Sanhita (BNS), which requires a satisfaction before a criminal prosecution is required to be carried for the offence of fraud. Even as per the expression given by the statute under Section 415 of the IPC and Section 318 of the BNS, the entire allegation raised by the Applicant to the recall application does not lead to draw an impeccable inference that the Appellant can at all be saddled with the responsibility of having an intention to cheat or dishonestly inducing to gain a right, and that too, as we have already observed above, the Applicant had been contesting the proceedings before this Tribunal.

49. He had with all sincerity, and overwhelming diligence, had participated in the proceedings while pressing upon his application, which has been decided on merits by the Order dated 10.09.2026, rejecting his impleadment application being I.A. No. 6230 of 2026. When this Tribunal had voluntarily completed the proceedings and the same stood rejected based upon the affidavit filed by the Appellant, the Applicant now cannot, at a subsequent stage, take a malicious somersault and fish out the ground of fraud, which otherwise was also available to him to be pressed at the time

when the application I.A. No. 6230 of 2026 was being considered by this Tribunal and was being pressed on merits. Having not done so, it is no more open for the Appellant to argue that the reply filed by the Appellant in response to I.A. No. 6230 of 2026 was actuated by fraud, so as to enable him to sustain his recall application, to have a new enmity to press his application under Order I Rule 8A of CPC, preferred in the shape of impleadment, and that in an Appeal by Appellant against disciplinary proceedings.

50. Because of the fact that the parameters those were required to be satisfied for completing and complaining an act of fraud have not been satisfied, owing to the grounds taken by the Applicant, the plea is not acceptable by us. In the absence of the same, the application for recall, which in fact is being camouflaged as seeking a review, which is not otherwise permissible under law, would not be maintainable and, hence, would deserve rejection.

51. Learned counsel for the Applicant to the recall application has raised a peculiar argument and, it would not be out of context to submit, an irrational ground too. That the conduct of the counsel for Appellant itself was bad and he ought to have taken care of the earlier Order passed by the Tribunal in some other matter, where the counsel was granted an opportunity to rectify the defects in the affidavit. In relation thereto, while elaborating his argument, the learned counsel, particularly while remarking upon the conduct of the counsel for the Appellant in person as an

individual, who has filed the reply in opposition to the intervention application, has extracted some Order passed in some other Comp. App. (AT) No. 43 of 2026, as against the counsel, on that basis observing thereof that the Appellant was conscious of the fact that the affidavits would be rectifiable defects and thus, in that eventuality, he made reference to the Order dated 17.02.2026 as passed in Comp. App. (AT) No. 43 of 2026, which has no nexus to the present proceedings of the intervention or the recall application.

52. Recall applicant argues, if that be a rectifiable defect, then the counsel ought to have rectified it himself after seeking an opportunity from the Tribunal. We make it very clear that the Order dated 17.02.2026 is not a precedent or a ratio decidendi because that was an Order, which was passed at an interlocutory stage in Comp. App. (AT) No. 43 of 2026, which was altogether an independent proceeding having no relation to the present Appeal. Since it is not a ratio decided, it cannot be taken as an authority, that the counsel for the Appellant who had filed the reply, was conscious of the fact of the probable expected rectification of defects, which he ought to have carried. The gravamen of argument is more of personnel against counsel, rather than the case itself.

53. This stand taken, though it may be professionally laudable, being against the fraternity and for no good cause, is not acceptable by us and stands turned down.

54. The learned counsel for the Applicant has heavily relied upon the written submissions and the Orders as filed in support thereto. Outrightly, we decline to accept the same because the title head of the said written submissions is in relation to I.A. No. 6680 of 2026, that has been preferred in I.A. No. 6168 of 2026. This written submission is not in relation to I.A. No. 6679 of 2026 filed by the Applicant, by virtue of which he has sought the recall of the Order dated 10.09.2026. In that eventuality, the written submissions in itself cannot be borrowed to be accepted or supplied while deciding I.A. No. 6679 of 2026, when it has not been filed to be read in relation to I.A. No. 6679 of 2026, which obviously has to be decided independently, since filed by different applicant for different relief.

55. What is important is that the application for recall was preferred by the Applicant before the Registry on 14.09.2026. The proceedings were taken up on 14.09.2026, whereby the Applicant's counsel intimated about filing of the application for recall, being I.A. No. 6679 of 2026, to which this Tribunal directed the Registry to take note of it and to place the application on the next date fixed, i.e., 16.09.2026.

56. When the proceedings were taken up on 16.09.2026, the matter could not be taken up. The counsel for the Applicant, Mr. Deepak Khosla, could not participate in the proceedings because of his personal inconvenience due to the ailment of his father, who was admitted in hospital. The said request was opposed, as it was argued by the learned counsel for the Appellant that it was a craft adopted by recall applicant's counsel to adjourn

the proceedings and get it delayed. But still, this Tribunal accommodated the Applicant's counsel, Mr. Deepak Khosla, and placed the matter for 17.09.2026.

57. On 17.09.2026, when the matter was taken up, it could be seen from the proceedings as recorded, that the Tribunal, for the reasons recorded in the Order dated 17.09.2026, had released the matter to be placed before another Bench because at the stage of recall application, unnecessary valuable time of the court was being consumed at the cost of the matter listed on that date, owing to which the Hon'ble Acting Chairperson has nominated this Bench.

58. Why reference of these dates of 14.09.2026, 16.09.2026 and 17.09.2026 is required to be referred herein is because, on all these dates, the application for recall, i.e., I.A. No. 6679 of 2026, filed by the Respondent/Applicant through his counsel, Mr. Deepak Khosla, was never addressed on merits.

59. The proceedings of the application, upon the matter being posted before us, were taken up on 21.09.2026. On 21.09.2026 itself, the Applicant, through his counsel, Mr. Deepak Khosla, without a prior leave of the Tribunal filed the written submissions. Filing of written submissions is not customary, and filing of it does not depend upon the whims and fancies of the party to the proceedings to file the written submissions as per their choice. Filing of written submissions is only when the Court or the Tribunal feels upon conclusion of arguments that its necessary and then when it

directs the party to file written submissions, it could be filed. Filing of a written submission has to be with the prior leave of Tribunal, when the Tribunal feels its necessary to facilitate and make the judgment dictation convenient. Because by the time matter is argued counsel has sufficient opportunity to raise all his pleadings.

60. For that purpose, the principles have been enunciated under Order XVIII Rule 3C and 3D of the CPC, which would be applicable, and it is not as a matter of choice of the litigant or his counsel to file written submissions without arguing the matter on merits and even being called by the Court, because written submissions only facilitate the Tribunal when the Tribunal or the Court feels that they are required to be filed.

61. Though we have considered the written submissions as filed by the Applicant's counsel, on 21.09.2026, which contained pleading and material even much beyond the recall application itself, which is impermissible to be introduced at the stage of filing of written submission. When the application itself was taken up on merits, under law, it was not required to be heard on the basis of written submissions which was attempted by the learned counsel, and that too particularly when it was introducing all the new facts which were not even part and parcel when the arguments were extended in the intervention application while passing of an Order dated 10.09.2026, or even in the recall application.

62. Thus, the plea of the written submissions is declined to be considered, and more particularly when it is actuated by malice, intending to delay the proceedings, and a consequence of professional acumen.

63. In response, the learned counsel for the Appellant contended that all these arguments are not open to be extended by the learned counsel for the Applicant to the recall application, as the authority under which the proceedings were taken i.e., Power of Attorney by the Applicant was not placed on record despite the note clause as submitted in the application for impleadment, i.e., I.A. No. 6230 of 2026, because till the arguments were concluded on 10.09.2026, the Applicant didn't had a valid attorney with the deponent of the affidavit to the impleadment application, I.A. No. 6230 of 2026. Hence, it was a fallacious proceeding and it could not be considered.

64. Though at this stage we are not required to venture into that issue, though it may be having a bearing upon the sustainability of I.A. No. 6230 of 2026, we are refraining from making any observations because I.A. No. 6230 of 2026 seeking an intervention has already been decided on merits and, at present, we are only seized with the recall application seeking recall of the Order dated 10.09.2026.

65. If we could summarise the manner in which the proceedings have been taken for the recall application at the behest of the Applicant, through his counsel, Mr. Deepak Khosla, it is a motivated proceeding catalyzed in the shape of seeking a recall of an Order which has been otherwise passed on merits on 10.09.2026, rejecting the Impleadment Application i.e., I.A. No.

6230 of 2026. It cannot be permitted to be revisited on the basis or under the garb of the recall application, which is otherwise in the shape of a review of the Order dated 10.09.2026 and is outside the scope of the procedures contemplated under the IBC.

66. Hence, the recall is misconceived and the same is accordingly rejected with a cost of Rs. 5 Lakhs.

I.A. No. 6680 of 2026 (by Applicant Ajmair Singh Bhullar)

1. This application is nothing but a consequence of a hardcore conspiracy. The Applicant to I.A. No. 6680 of 2026, along with the Applicant to I.A. No. 6679 of 2026 (Mr. Haravtar Singh Arora), both the Applicants, have somehow conspired to ensure stall the proceedings of the instant Company Appeal and, hence, by one way or another, they wanted to interfere with the proceedings.

2. Earlier, the Applicant, Mr. Haravtar Singh Arora's application for impleadment, already stood rejected by an Order dated 10.09.2026, which has been sought to be recalled by him by filing recall application, being I.A. No. 6679 of 2026, which we have rejected by this Order, for the reasons recorded in the preceding paragraphs.

3. The Company Appeal is against an Order dated 21.08.2026 disposing of the show-cause notice issued against the Appellant, Mr. Navneet Gupta, the Insolvency Professional, for drawing the proceedings against him, for his professional misconduct, as per the IBBI Regulations in these eventuality,

so far as the Applicant, Mr. Ajmair Singh Bhullar, is concerned, he, in any capacity, has got nothing to do with the controversy involved in the Company Appeal. Mr. Ajmair Singh Bhullar is not a party to the proceedings, which are the subject matter of challenge in the Company Appeal (AT) (Ins.) No. 1612 of 2026, nor has he been chosen by the Appellant to be made as a party in the instant Company Appeal. As relief sought in the Appeal relates or effects any of the legally sustainable rights of the Applicants of both the applications.

4. Hence, under the principle of dominus litis, he cannot impose upon himself, to be made a party in a proceeding in which he is neither directly nor indirectly affected by it nor is a proceedings against him. A very astonishing feature that has been revealed from I.A. No. 6680 of 2026, preferred by Mr. Ajmair Singh Bhullar, is that, surprisingly, he has sought his impleadment only in I.A. No. 6168 of 2026, that is, the stay application only, that has been preferred in the Company Appeal, and has modulated his relief in the following manner:-

“That in view of the above facts and circumstances of the matter, it is humbly prayed that this Hon’ble Appellate Tribunal may:

*i. **Allow impleadment of the Applicant as a limited respondent only in IA No. 6168 of 2026 for adjudication of prayers (iii) and (iv) thereof,** which pray for relief as follows, these prayers thereby directly impacting the interests of claimants in James Hotels Limited, Chandigarh whose liquidation is pending before the Hon'ble NCLT*

(Chandigarh) in CP (IB) No. 15 / CHD / 2017, given that para 3.3 of the impugned order directs that “3.3 A copy of this order shall be sent to the CoC of all the corporate debtors in which Mr. Navneet Gupta is providing his services. The CoC of the respective corporate debtors shall replace Mr. Navneet Gupta with another Resolution Professional in terms of Section 27 of the Code.”:

iii. Kindly stay, in particular, the operation and effect of the direction contained in paragraph 3.3 of the Impugned Order requiring the Committees of Creditors of all corporate debtors in which the Applicant is rendering services to replace him under Section 27 of the Code;

iv. Direct that the Applicant be permitted to continue rendering services in his existing assignments and that no steps be taken to replace or remove him pursuant to paragraph 3.3 of the Impugned Order, during the pendency of the accompanying Appeal.

ii. Keeping the appeal pending, require IBBI to adjudicate Ground V of the complaint (pertaining to unauthorized withdrawal of around Rs. 65 crores, which has, now, been formally refused to be ratified by Indian Bank in the COC held on 21-08-2026), and to adjudicate that allegation within a time-bound time frame, so that this Hon'ble Appellate Tribunal is not required to conduct adjudication piecemeal against the same RP for misconduct pertaining to the

same corporate debtor and recounted in a single complaint.

iii. In the alternative, permit the Applicant to intervene and address the confined questions of law, inter-alia, on 'balance-of-convenience' and 'irreparable injury' issues stated herein, including under the principles of Order I (Rule 8A) CPC;

iv. **hear the Applicant before granting any stay of paragraph 3.3**, or any direction permitting the Appellant to continue in all existing assignments;

v. dismiss prayers (iii) and (iv); or, in the alternative, exclude James Hotel Limited from any blanket continuation order, and leave continuation/replacement to the competent Adjudicating Authority after hearing affected stakeholders and imposing record preservation safeguards;

vi. Impose exemplary costs on the appellant for pressing an appeal not supported by an affidavit, which fatal flaw was not disclosed to – rather, was suppressed from – this Hon'ble Tribunal on 02-09-2026 and 03-09-2026, and also not disclosing during the hearing of IA No. 6230 of 2026 the very vital and material fact that prayers (iii) and (iv) of IA No. 6186 of 2026, if granted, directly affected the interests of all corporate debtors where the appellant is a resolution professional / Liquidator (such as the applicant in IA No. 6230 of 2026).

vii. Pass ex parte orders on the above prayers

viii. Any further interim order or direction which this Hon'ble Appellate Tribunal may deem fit and proper

in the circumstances of the case be issued in favour of the appellant.”

5. It is very difficult to conceive that an Applicant would choose to be impleaded only in a stay application. There is no such concept of seeking impleadment in the stay application when the Applicant is not a party to the main Company Appeal. Hence, in the context of the relief sought and for the reasons which we have already assigned while considering the application of Mr. Haravtar Singh Arora, this application too, being I.A. No. 6680 of 2026, is malicious, collusive, and is a conspiracy between Mr. Haravtar Singh Arora and the Applicant, and would stand rejected with costs of Rs. 2,00,000/-.

6. Before we close this order, we would be failing in our onerous responsibility to record our appreciation to patience and politeness that has been bestowed by the learned counsel for the Applicant to the members of the Bench.

7. List on **26th November, 2026.**

[Justice Sharad Kumar Sharma]
Member (Judicial)

[Indevar Pandey]
Member (Technical)

NEW DELHI

09th October, 2026

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