NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

I.A. No. 7122 of 2026
in
Company Appeal (AT) (Ins.) No. 1624 of 2026

IN THE MATTER OF:

Harish Taneja Insolvency Professional ...Appellant(s)

Versus

Insolvency and Bankruptcy Board of India ...Respondent(s)

Present:

For Appellant(s) : Mr. Abhishek Anand, Ms. Palak Kalra, Ms. Shruti Srivastava and Ms. Anurima Gupta, Advocates.

For Respondent(s) : Mr. Sahil Monga, Mr. Arjun Tyagi, Advocates.

O R D E R
(Hybrid Mode)

30.10.2026: I.A. No. 7122 of 2026 in Comp. App. (AT) (Ins) No. 1624 of 2026:

Instant application has been moved by the Appellant - Harish Taneja for grant of the following prayers: -

> *"a. Allow the present Application;*
>
> *b. Implead Mr. Alok Kaushik as Respondent No. 2 and Mr. Rabindra Kumar Mintri as Respondent No. 3 in the captioned Appeal; and take on record the amended memo of parties annexed herewith as ANNEXURE A-1.*
>
> *C. Take on record Annexure A-4 to A-6 and permit the Applicant to rely upon the aforesaid subsequent events and documents in support of the issue concerning the authority and capacity in which Respondent No. 2 instituted and pursued the complaint;*
>
> *d. Pass such other or further order(s) as this Hon'ble Appellate Tribunal may deem fit and proper in the facts and circumstances of the case".*

2. Learned Counsel for the appellant submits that the complaint in this matter was made by the erstwhile AR of the Financial creditors in class, namely Alok Kaushik, in his capacity as the authorized representative, however, Mr. Alok Kaushik has tendered his resignation from the position of authorized representative on account of ill health and an IA No. 4309 of 2026 was filed by the resolution professional before the adjudicating authority, seeking appointment or replacement of authorized representative. Vide order dated 9/9/2026, the adjudicating authority noted that out of 231 creditors in Class 54, they exercised their right to vote, and 43 had voted in favour of Mr. Rabindra Kumar Mintri for his appointment as authorized representative. Therefore, Mr. Rabinder Kumar Mintri was appointed as authorized representative of the financial creditors in Class.

3. It is further submitted that it would be in the interest of justice that, at first, both the above-mentioned authorized representatives be included as respondents in the instant appeal. Further, the Annexure number A4 to A6 to this application may also be taken on record.

4. While drawing our attention towards Regulation 2(1)(e) of Insolvency and Bankruptcy Board of India (Grievance and Complaint Handling Procedure) Regulations, 2017 it is submitted that the complaint under these regulations could only be moved by a stakeholder alleging contravention of any provision of the Code or rules or regulations, and also of circulars and directions issued by the Board. Mr. Alok Kaushik, who was the authorized representative at a particular time, is required to be impleaded in this appeal in order to bring on record the fact as to under which authority he has moved

a complaint without being authorized as such by the creditors in class in any meeting.

5. It is further submitted that the duties of an authorized representative are further governed by Section 25A (3) of the Code, which provides that an authorized representative shall not act against the interest of the financial creditors to which he represents and shall always act in accordance with their prior instructions. However, in this particular case, the complaint has been filed by the authorized representative without any such authorization.

6. It is further submitted that respondent No. 3 - Rabindra Kumar Mintri convened a meeting of financial creditors in class on 20.09.2026 wherein the Appellant has participated as a special invitee and minutes of the said meeting were drawn by the newly appointed authorized representative. In the said meetings, the appellant informed the participants that a complaint against him has been filed by the erstwhile authorized representative on instructions of the home buyers. However, the participating home buyers clarified that a group of 95 home buyers had filed an application before the adjudicating authority, but they have not authorized the Authorized Representative to file any complaint against the Appellant. Therefore, it is evident that no such authorization has been given by the Financial Creditors in Class to the erstwhile authorized representative to file any complaint against the Appellant.

7. It is further submitted that in the pre-CoC consultation meeting held on 16/09/2026, convened by the newly appointed Authorized Representative, participants did not raise any query on the continuity of the Resolution Professional. In the 36th CoC meeting held on 17/09/2026, Respondent

number 3, the Authorized Representative, stated that the continuity of the Resolution Professional has not been objected to by anyone. Thereafter, in the adjourned meeting held on 21/09/2026, the addendum dated 19/09/2026 to the Resolution Plan, along with the clarification, dated 21/09/2026, was put to voting and was approved with 100% voting share.

8. It is submitted that the minutes of these meetings be also taken on record, apart from including the erstwhile authorized representative and newly appointed authorized representative as Respondent Nos. 2 and 3.

9. Learned counsel for the appellant has relied on what is laid down by the Hon'ble Supreme Court in ***Om Prakash Gupta vs. Ranbir B Goyal, (2002) 2 SCC 256***.

10. Ld. counsel for the IBBI submits that the Appellant seeks implementation of a provisional AR who was appointed at the instance of the Appellant on 09/09/2026, without following the procedure established by law and after the suspension order was passed against the Appellant by the DC on 17/08/2026.

11. It is further submitted that the Appellant seeks to place on record the minutes of certain informal internal consultations, discussions, and meetings convened by the authorized representative with certain unidentified persons. In the whole of the appeal filed by the appellant, no ground has been taken in regard to the locus of the complainant.

12. It is further submitted that in ***Navneet Gupta versus Insolvency and Bankruptcy Board of India (Company Appeal (AT) (INS) No. 1621 and 1629 of 2026)***, this Appellate Tribunal has held that the complainant which triggered the disciplinary proceedings may be a proper party in an appeal

under Section 220(7) of the Code and such person is also an aggrieved person within the meaning of Section 220(7) and is also entitled to maintain an appeal. However, this decision was on the specific facts and circumstances of that case.

13. It is further submitted that the documents relied on by the Appellant have been prepared after the orders were reserved by this Appellate Tribunal and the Appellant has misrepresented before the COC in the meeting held on 17/09/2026 that this Appellate Tribunal has stayed the operation of the impugned order. Therefore, the application is liable to be rejected.

14. Having heard learned counsel for the parties and having perused the record, we notice that this Appellate Tribunal after hearing at length, learned counsel for the parties have reserved the judgment on 17.09.2026, thereafter the instant application has been moved by the Appellant.

15. We, at the outset, put on record that in **Navneet Gupta versus Insolvency and Bankruptcy Board of India (Company Appeal (AT) (INS) No. 1621 and 1629 of 2026**) dated 10.09.2026, we considered Section 217 to 220 of the IBC, Regulations 2 (1) (a), 6 and 7 of Insolvency and Bankruptcy Board of India (Grievance and Complaint Handling Procedure) Regulations, 2017, (as amended up to date) and while considering the locus of a complainant with respect to complaint made against an insolvency Professional, after considering the scheme of the Code and Regulations extensively, we held as under: -

> *"40. Perusal of the above provisions would reflect that two stage mechanism has been provided in the Code and relevant regulations with regard to complaint disposal procedure. The first stage is governed by the Regulations 2017, which enables a stakeholder which has been defined*

as a debtor, creditor, claimant, service provider, resolution applicant, or any other person having an interest in the insolvency resolution or liquidation, voluntary liquidation or bankruptcy transaction under the Code pertaining to filing of the grievance or a complaint against a service provider. Regulation 7 of the Regulations 2017 has laid down the procedure for filing and disposal of a complaint. The Board is required to form an opinion whether a prima facie case exists, within thirty days of receipt of the complaint and where the Board is of the opinion that no prima facie case exists, it may close the complaint and communicate the same to the complainant.

41. Conspicuously it has been provided under Regulation 7(5) of Regulations, 2017 that "If the complainant is not satisfied with the decision of the Board under sub-regulation (4), he may request a review of such decision within thirty days". The Board is also required to dispose of such review within thirty days of the receipt of the Complaint. However, where the Board forms the opinion that a prima facie case exists, it may issue a show cause notice or order an investigation under the IBBI (Inspection and Investigation) Regulations, 2017.

42. The second stage is governed by Section 220 of the Code, which provides for the constitution of the Disciplinary Committee and further empowers such Committee to pass orders under sub-sections (2) to (5), including the imposition of penalties, suspension or cancellation of registration, ordering disgorgement of unlawful gains, restitution to affected persons, and costs of proceedings.

43. Prior to the amendment introduced by the Insolvency and Bankruptcy Code (Amendment) Act, 2026, no statutory appeal was provided against orders passed by the Disciplinary Committee of the IBBI and the only remedy available was to approach the High Court under Article 226 of the Constitution of India. By the Insolvency and Bankruptcy Code (Amendment) Act, 2026, which came into effect on 22 May 2026, Parliament inserted subsections (7) and (8) in Section 220 of the Code.

44. Section 220(7) reads as under;

"(7) Any person aggrieved by an order of the disciplinary committee, under sub-sections (2) to (5), may prefer an appeal to the National Company Law Appellate Tribunal within a period of thirty days from the date of receipt of the order" Section 220(8) on the other hand provides that the NCLAT may condone delay upon sufficient cause being shown for a further period not exceeding fifteen days".

45. The plain language of Section 220(7) confers a right of appeal upon "any person aggrieved" by an order of the Disciplinary Committee passed under sub-sections (2) to (5). The use of the expression "any person aggrieved" is significant and must be given its full import. The central question now is whether a complainant falls within the ambit of "any person aggrieved" under Section 220(7). This requires an examination of the legal meaning of the expression "aggrieved person" and its application to the disciplinary framework under the Code. The expression "any person aggrieved" has been the subject of extensive judicial interpretation by the Hon'ble Supreme Court of India. The consistent thread running through the authorities is that the expression must receive a liberal and broad construction, and that there are "no rigid locus requirements" where the statute uses such wide language.

47. Thus, when the words used in provisions are clear, plain and unambiguous, the courts are duty-bound to give effect to the meaning emerging out of such plain words. The intention of the legislature must be gathered from the language. The words used should be understood in their natural and ordinary sense, and any interpretation requiring for addition, substitution or rejection of words as meaningless must be avoided. It may be recalled that where a right of appeal to courts against an administrative or judicial decision is created by statute, the right is invariably confined to a person aggrieved or a person who claims to be aggrieved. The test is whether the person has a genuine legal grievance one that affects their legal rights or interests and not merely a fanciful or imaginary grievance. The question that arises is whether an order, which is passed between two contesting parties relating to the misconduct emerged in service, between employer and its employee, can it be challenged by a third party in appeal or whether a third party may intervene therein.

48. In order to answer the aforesaid question, in the present context, permitting a challenge at the behest of the third party, would require us to examine whether the caveator as a third party has any locus to defend the impugned order or to challenge the said order by filing any appeal. It will also be required to be seen whether the appellant can be treated to be an aggrieved person especially noticing the nature of proceedings

64. We have already held that when the words used in provisions of a statute are clear, plain and unambiguous, the courts are duty-bound to give effect to the meaning emerging out of such plain words. The intention of the

legislature must be gathered from the plain language used. We are of the considered view that the phrase "Any person aggrieved by an order of the disciplinary committee" occurring in sub section 7 of section 220 of the code may not be given a narrow meaning and cannot be confined only to the Delinquent service provider and will also include complainant.

65. The interplay of Regulations, 2017 and Section 220(7) operate in a complementary manner, providing a complete remedial framework for complainants at different stages of the disciplinary process. At the preliminary stage, the complainant's remedy is governed exclusively by the 2017 Regulations and if the Board closes the complaint on the ground that no prima facie case exists, the complainant may request a review of the same within thirty days. This review is the sole remedy available at that stage, and no appeal may be filed against such decision. However, at the final stage, once the Disciplinary Committee has passed an order under sub-sections (2) to (5) imposing punishment, the complainant as a person aggrieved, in our considered opinion, may prefer an appeal to the NCLAT under Section 220(7). This appeal must be filed within thirty days from the date of receipt of the order, with a possible extension up to 15 days, upon showing sufficient cause. This two-tier framework, in our understanding, ensures that the complainant has an adequate remedy at every stage of the disciplinary process, while also respecting the different nature of the decisions made at each stage.

66. It is also required to be highlighted that Section 220(7) permits an appeal only against "an order of the disciplinary committee passed under subsections (2) to (5), this limitation has a distinct impact on the nature of the right of the appeal provided to the complainant. Sub-sections (2) to (5) of Section 220 provides different type of final punitive orders which may be passed by the Disciplinary Committee, including the imposition of penalties, suspension or cancellation of registration, disgorgement, restitution, and costs. An appeal under Section 220(7) lies only against such final orders imposing punishment and not against any procedural or interlocutory order or decision. However, once the Disciplinary Committee has passed a final order imposing punishment under sub-sections (2) to (5), the delinquent service provider against the decision of holding him guilty and awarding punishment and complainant against the inadequacy of the punishment may maintain an appeal under Section 220(7). The fact that the complainant's remedy at the preliminary stage is limited to a review does not operate to exclude the complainant from the appellate

remedy provided against final orders. The two remedies operate at different stages of the disciplinary process and serve different purposes. Moreover, an Appeal is a creation of statute and when Section 220(7) uses words 'any person aggrieved by passing orders under sub sections 2 to 5' the same may not be confined to the service provider alone.

67. Keeping in view the above noted precedents and peculiar facts and circumstances of this case we are of the considered view that complainant (Caveator) on whose application the disciplinary proceedings were initiated certainly having an interest in the outcome of the appeal and therefore he is a proper party, if not necessary party, in this appeal and is a "person aggrieved" within the meaning of Section 220(7) of the Code and is thus, also entitled to maintain an appeal before the NCLAT against an order of the Disciplinary Committee passed under sub-sections (2) to (5) of section 220.

68. We clarify that a complainant is not (Both) a proper and necessary party in appeal and it is not mandatory for the appellant to necessarily implead him/her as a Respondent, however any complainant may approach this Appellate Tribunal for being impleaded and it is only on his/her request he may be impleaded in the appeal."

(Emphasis Ours)

16. Thus, it was held that a complainant may file an appeal, as he may be an aggrieved person, and also that he is not a proper and necessary party in an appeal and it is not mandatory for the Appellant to necessarily implead him as a Respondent, however, any complainant may approach this Appellate Tribunal for being impleaded as a party in these proceedings and **we highlighted that it is only on his/her request he or she may be impleaded as a party in the appeal.**

17. Thus, the main purpose of highlighting the fact that only on the request of the complainant he may be impleaded as a party in the Appeal was to safeguard the complainant from being dragged into unnecessary litigation. Having regard to the scheme discussed by us in the aforesaid order, we were

conscious of the fact that a complainant may be dragged into the frivolous litigation by making him a party in the appeal preferred by the delinquent Resolution Professional. That is why, consciously, we directed that it is only on the request of the complainant, he may be impleaded as a party in the appeal, preferred by the Insolvency Professional and not otherwise.

18. In the scheme of the Code and relevant Regulations, in our considered opinion, the duty of the complainant is over when he has filed a complaint. Thereafter, it is for the IBBI to act upon such complaint in view of the relevant provisions and regulations and it is only when the complainant is aggrieved by non-consideration of its complaint, he can file an appropriate proceeding under Regulations 2 (1) (a), 6 and 7 of Insolvency and Bankruptcy Board of India (Grievance and Complaint Handling Procedure) Regulations, 2017(Regulations 2017).

19. The scheme provided under various Regulations of Insolvency and Bankruptcy Board of India (Grievance and Complaint Handling Procedure) Regulations, 2017(Regulations 2017), also supports our view and is reproduced as under;

> ***INSOLVENCY AND BANKRUPTCY BOARD OF INDIA (GRIEVANCE AND COMPLAINT HANDLING PROCEDURE) REGULATIONS, 2017***
>
> ***2. Definitions.***
>
> *(1) Unless the context otherwise requires-*
>
> *(a) "aggrieved" means a stakeholder who has filed a grievance with the Board on failing to get his grievance redressed from the concerned service provider;*
>
> ***6. [Disposal of grievance by the Board].***
>
> *(1) The Board may seek additional information and records from the aggrieved and information and records from the*

concerned service provider to decide if the grievance requires any redress by the service provider.

(2) The aggrieved and the service provider shall submit the information and records sought under sub- regulation (1) within [seven] days thereof. [Provided that an additional time not exceeding seven days may be granted by the Board for submitting the information and records sought under sub-regulation (2) on the request of the service provider.]

(3) The Board shall close the grievance within 9[thirty] days of its receipt if it does not require any redress.

(4) The Board shall direct the service provider to redress the grievance within [thirty]

[6A. Disposal of grievance by Insolvency Professional Agency.

(1) Notwithstanding anything contained in regulation 6, the Board may forward a grievance against an insolvency professional for disposal by the insolvency professional agency of which he is a professional member.

(2) On receipt of the grievance under sub-regulation (1), the insolvency professional agency shall dispose of the grievance in accordance with its bye-laws and intimate the Board within thirty days of receipt of grievance.]

7. Disposal of complaint.

(1) The Board may seek additional information and records from the complainant and information and records from the concerned service provider to form a prima facie view whether the contravention alleged in the complaint is correct.

(2) The complainant and the service provider shall submit the information and records sought under sub-regulation (1) within [seven] days thereof. [Provided that an additional time, not exceeding seven days, may be granted by the Board on request of the service provider.]

(3) [The Board shall investigate the information and records and form an opinion whether there exists a prima facie case within thirty days of the receipt of the complaint.].

(4) The Board shall close the complaint where it is of the opinion under sub regulation (3) that there does not exist a prima facie case and communicate the same to the complainant.

(5) If the complainant is not satisfied with the decision of the Board under sub regulation (4), he may request a review of such decision [within thirty days].

(6) The Board shall dispose of the review under sub-regulation (5) within thirty days of the receipt of the request for review by an order with an opinion whether there exists a prima facie case.

(7) [Where the Board is of the opinion that there exists a prima facie case, it may issue a show cause notice under regulation 11 of the Insolvency and Bankruptcy Board of India (Inspection and Investigation) Regulations, 2017 or order an investigation under Chapter III of Insolvency and Bankruptcy Board of India (Inspection and Investigation) Regulations, 2017].

(8) Where the Board is of the opinion that the complaint is not frivolous, it shall refund the fee of two thousand five hundred rupees received under sub-regulation (3) of regulation 3.

20. We in **Navneet Gupta versus Insolvency and Bankruptcy Board of India (Company Appeal (AT) (INS) No. 1621 and 1629 of 2026**) dated 10.09.2026, while discussing these regulations held as under: -

"40. Perusal of the above provisions would reflect that two stage mechanism has been provided in the Code and relevant regulations with regard to complaint disposal procedure. The first stage is governed by the Regulations 2017, which enables a stakeholder which has been defined as a debtor, creditor, claimant, service provider, resolution applicant, or any other person having an interest in the insolvency resolution or liquidation, voluntary liquidation or bankruptcy transaction under the Code pertaining to filing of the grievance or a complaint against a service provider. Regulation 7 of the Regulations 2017 has laid down the procedure for filing and disposal of a complaint. The Board is required to form an opinion whether a prima facie case exists, within thirty days of receipt of the complaint and where the Board is of the opinion that no prima facie case exists, it may close the complaint and communicate the same to the complainant.

41. Conspicuously it has been provided under Regulation 7(5) of Regulations, 2017 that "If the complainant is not satisfied with the decision of the Board under sub-

regulation (4), he may request a review of such decision within thirty days". The Board is also required to dispose of such review within thirty days of the receipt of the Complaint. However, where the Board forms the opinion that a prima facie case exists, it may issue a show cause notice or order an investigation under the IBBI (Inspection and Investigation) Regulations, 2017.

42. The second stage is governed by Section 220 of the Code, which provides for the constitution of the Disciplinary Committee and further empowers such Committee to pass orders under sub-sections (2) to (5), including the imposition of penalties, suspension or cancellation of registration, ordering disgorgement of unlawful gains, restitution to affected persons, and costs of proceedings."

21. Evidently the role of a complainant ends after making a complaint, if the same is acted upon by the IBBI, subject to his presence before the IBBI, if required for investigation etc. However, when the complaint is not acted upon, the complainant may request for a review, as provided in the regulations, but if his complaint is acted upon and show cause notice is issued by the DC, he may not be compelled to be a party in any proceedings, initiated at the instance of the Insolvency Professional who has been held guilty.

22. In nutshell the complainant may not be left at the mercy of the delinquent employee and in our considered opinion he is required to be protected against spurious and revengeful litigation, unless his presence, in the opinion of the Appellate Tribunal is required for just disposal of the case. But certainly, a complainant may not be made a party, against his wish, in an appeal filed by the appellant i.e. delinquent insolvency professional, against the order passed by the Disciplinary Committee of the IBBI, holding

him guilty and punishing him, only on the discovery of certain facts subsequent to the order passed by the DC.

23. It is also to be recalled that replacement of the AR under Regulation 16A (3A) of the CIRP Regulation, 2016 is prospective in nature. It does not and could not have the effect of nullifying Acts validly performed by the erstwhile AR during his tenure. The change of the AR midway through the appeal cannot be used as a device to non-suit the complainant or to render the disciplinary order infructuous. The Resolution Professional has no locus to question the Authority of the erstwhile RP to have filed the complainant. The Disciplinary proceedings were initiated and culminated in a final order passed by the DC of the IBBI which is pending before us. The Resolution Professional being the person against whom findings of misconduct have been recorded cannot be permitted to re agitate the issue of locus of the complainant at this stage, more so when the IBBI itself found the complaint maintainable and proceeded to hold the Resolution Professional guilty.

24. The newly appointed AR is also neither a necessary nor a proper party to the present appeal as the appeal is confined to the legality and propriety of the impugned order.

25. We also cannot turn nelson eye to facts highlighted by the IBBI in paragraph 16 to 20 of their reply, wherein it is stated that the applicant pushed through the appointment of Mr. Mintri as AR for allottees, before the Ld. NCLT, contrary to Regulation 4A (2) (aa) of the CIRP Regulations and knowing very well that only 43 out of 231 allottees cast their vote in favour of such appointment and that the impugned Order suspending the applicant's registration as IP for a period of two years was passed on 17.08.2026. It is

further stated that the said order was to come into effect from 17.09.2026 and the present appeal challenging the DC's order was filed on 28.08.2026 and it was listed before this Appellate Tribunal on 02.09.2026 and 07.09.2026. However, instead of arguing the appeal, which even ran the risk of rejection of interim relief, the appellant sought adjournments on these dates and in the meantime, he pressed his application bearing IA No. 4309/2026 for appointment of Mr. Mintri as AR for allottees before the Ld. Adjudicating Authority without complying with Regulation 4A(2)(aa) of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 ("CIRP Regulations") and thus he continued to abuse his powers and position under the Code, even after suspension order was passed against him by DC, by ensuring appointment of Mr. Rabindra Kumar Mintri as AR to collude with him for manufacturing evidence to support the appellants case in the present appeal.

26. Thus, in view of all the facts and circumstances of this case, we are of the considered view that neither Mr. Mintri the newly appointed Authorized Representative nor Mr. Anil Kumar Kaushik, the erstwhile Authorized Representative of financial creditors in class, are required to be impleaded as respondents before this Appellate Tribunal.

27. In our considered opinion, the veracity of the impugned order is to be adjudicated on the basis of the material/ evidence, which was available before the DC.

28. In view of the above reasons, facts, and circumstances, we do not find any merit in the application, and the same is hereby **dismissed**.

29. List on **25.11.2026** under the same caption under which the appeal was earlier listed.

[Justice Mohammad Faiz Alam Khan]
Member (Judicial)

[Naresh Salecha]
Member (Technical)

sr/kam