* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 20th NOVEMBER, 2023

IN THE MATTER OF:

\+ **W.P.(C) 8696/2022**

POOJA MENGHANI ..... Petitioner

Through: Mr. Viraj R. Datar, Senior Advocate with Mr. Saurav Joon and Ms. Natasha Gupta, Advocates.
Mr. Vishal Ganda, Ms. Akanksah Mathur and Mr. Rahul Narula, Advocates.

versus

INSOLVENCY AND BANKRUPTCY BOARD OF INDIA & ANR. ..... Respondents

Through: Mr. Asheesh Jain, CGSC with Mr. Keshav Sehgal, GP and Mr. Gaurav Kumar, Ms. Ankita Kedia & Ms. Ria Khanna, Advocates for R-1 & 2.

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

JUDGMENT

1. Petitioner has approached this Court challenging the order dated 02.05.2022, passed by the Respondent No.1/Board rejecting the application of the Petitioner herein for registration as a Resolution Professional.

2. The Petitioner is a banker by profession. It is stated that she applied for being a registered Insolvency Professional under the Insolvency and Bankruptcy Code, 2016 (IBC) with the Respondent No.1 herein/Board. The application of the Petitioner has been rejected on the ground that she is not a fit and proper person to be appointed as an Insolvency Professional. At this

juncture, it is necessary to dwell into the facts of the case which are necessary for adjudication of the present Writ Petition.

a) Material on record discloses that there were allegations against the Petitioner for violation of Regulation 3 (a), 3 (b), 3 (c), 3 (d) and 4(1) of the SEBI (Prohibition of Fraudulent and Unfair Trade Practices relating to Securities Market) Regulations, 2003 (*hereinafter referred to as 'the 2003 Regulations'*). It is stated that an enquiry was conducted and it was found that the Petitioner had bought and sold equal quantities of shares in large volume in four scrips, namely, Amtek Auto Ltd, Amtek India Ltd, Monnet Ispat Ltd and Ahmednagar Forgings Limited through Religare Securities Limited, ISF Securities Limited, India Infoline Securities Limited and Narayan Securities Private Limited with prior knowledge that certain entities have already placed buy orders for the abovementioned scrips and thereby the Petitioner has done front running in the said scrips and has thereby violated Regulation 3 (a), 3 (b), 3 (c), 3 (d) and 4(1) of the 2003 Regulations.

b) Resultantly, a penalty of Rs.1 Crore was imposed on the Petitioner by the adjudicating officer under Section 15HA of the Securities and Exchange Board of India Act, 1992 (*hereinafter referred to as 'the SEBI Act'*).

c) The Order imposing penalty on the Petitioner was challenged by the Petitioner before the Securities Appellate Tribunal (*hereinafter referred to as the Tribunal*) which affirmed the Order imposing penalty.

d) The matter was then taken to the Apex Court by the Petitioner by filing Civil Appeal No.5829/2014 and the Apex Court *vide* Order dated 20.09.2017, reported as **(2017) 15 SCC 1** dismissed the appeal and upheld the Order of the Tribunal. The relevant portion of the said Order dated 20.09.2017 reads as under:

> ***14.1.*** *The finding with regard to the appellant being guilty of fraud under Regulations 3 and 4 of the 2003 FUTP is contrary to the definition of "fraud" as contained in Regulation 2(1)(c) of the said Regulations.*
>
> ***14.2.*** *Clauses (i), (j), (l), (m), (p), (o) and (q) of sub-regulation (2) of Regulation 4 expressly make themselves applicable only to the case of intermediaries and not to individual buyers or sellers. The rest of the clauses being part of the scheme which seek to regulate the conduct of intermediaries, will be deemed on their face, to pertain to activities undertaken by intermediaries. Thus, the whole of Regulation 4 seems to be inapplicable to the case of the applicant.*
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> *xxx*
>
> ***48. Taking into consideration the facts and circumstances of the case before us and the law laid down hereinabove and in SEBI v. Kishore R. Ajmera [SEBI v. Kishore R. Ajmera, (2016) 6 SCC 368] , can only lead to one conclusion that the parties concerned to the transaction were involved in an apparent fraudulent practice violating market integrity. The parting of information with regard to an imminent bulk purchase and the subsequent transaction thereto are so intrinsically connected that no other conclusion but one of joint liability of both the initiator of the fraudulent practice and the other party who had knowingly aided in the same is possible****. Consequently, Civil Appeals Nos. 2595, 2596 and 2666*

> *of 2013 are allowed.* ***At the same time, for the same reason, Civil Appeals Nos. 5829 and 11195-96 of 2014 are dismissed.*** (emphasis supplied)

e) It is stated that since the Petitioner had not deposited the penalty amount, recovery proceedings were initiated by the SEBI. It is stated that vide Order dated 28.12.2018 the Recovery Officer directed the Petitioner herein to pay a sum of Rs.1,77,83,047/- in 36 equated monthly instalments each amounting to Rs.4,93,973.5/-.

f) Failure on the part of the Petitioner to make the payments led to initiation of criminal proceedings against the Petitioner before the Sessions Court of Kolkata under Section 24 of the SEBI Act. It is stated that Arrest Warrants were issued against the Petitioner by the Sessions Court. It is stated that the Warrants of arrest of the Petitioner was challenged by the Petitioner in the High Court of Calcutta by filing CRR No.2005/2019 which was dismissed by the Calcutta High Court vide Order dated 22.08.2019. Order dated 22.08.2019 was challenged by the Petitioner before the Apex Court by filing SLP (Crl.) No.8887/2019 which was disposed of by the Apex Court.

3. In view of the above mentioned facts, the Board rejected the application of the Petitioner herein for grant of certificate of registration as an Insolvency Professional on the ground that the Petitioner is not fit and eligible for grant of the registration.

4. It is this Order which is under challenge in the present Writ Petition.

5. Learned Senior Counsel appearing for the Petitioner contends that the Petitioner cannot be condemned for life for the events that transpired in 2015. He states that the Petitioner has already paid the Penalty and has

suffered much. He states that pursuant to the Order of the Apex Court there is no blemish in the career of the Petitioner and she has earned a good name for herself in the Banking Sector. He further contends that the recovery proceedings initiated by the SEBI is a civil obligation and the Petitioner has not committed any criminal offence. He relies on the Judgment of the Apex Court in Chairman, SEBI v. Shriram Mutual Fund, **(2006) 5 SCC 361**, to contend that the scheme of the SEBI Act of imposing penalty does not deal with criminal offences and the penalties levied by the SEBI are only in the nature of civil obligations under the SEBI Act and the Regulations made thereunder. He, therefore, states that in the absence of any criminal liability, a civil obligation, which was imposed on the Petitioner 11 years ago and which has been closed, cannot be a reason not to consider the application of the Petitioner for grant of certificate of registration as an Insolvency Professional. He further states that even assuming that the Petitioner has been found guilty of violation of the SEBI Act but since the Petitioner has undergone the punishment and a punishment/penalty had been imposed on the Petitioner, the Petitioner has absolved herself of the sin by undergoing the penalty then the Petitioner cannot be condemned forever and must be given a chance to reform herself.

6. Per contra, learned Counsel appearing for the Board contends that an Insolvency Professional holds a very important position and has to perform important functions under the Scheme of the IBC. He states that once an application for insolvency is made under the IBC, the Insolvency Professional is vested with the responsibility of managing the affairs of the company. He states that an Insolvency Professional takes over the assets of the company during the pendency of the insolvency process and this

necessitates that only people with unblemished reputation can alone be appointed as Insolvency Professionals. He states that merely because 11 years have passed, the Petitioner who has been found guilty of violating Regulation 3 (a), 3 (b), 3 (c), 3 (d) and 4(1) of the 2003 Regulations, the decision of the Board in finding the Petitioner not a fit person to be appointed as an Insolvency Resolution Professional does not need interference.

7. Heard the Counsel for the parties and perused the material on record.

8. Chapter IV of the IBC deals with the Insolvency Professionals. Section 206 of the IBC provides that no person shall render his services as insolvency professional without being enrolled as a member of an insolvency professional agency and registered with the Board. Section 208 stipulates the functions and obligations of insolvency professionals which are as under:

> "*Section 208. Functions and obligations of insolvency professionals.*
>
> *(1) Where any insolvency resolution, fresh start, liquidation or bankruptcy process has been initiated, it shall be the function of an insolvency professional to take such actions as may be necessary, in the following matters, namely:*
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> *(a) a fresh start order process under Chapter II of Part III;*
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> *(b) individual insolvency resolution process under Chapter III of Part III;*
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> *(c) corporate insolvency resolution process under Chapter II of Part II;*

[(ca) pre-packaged insolvency resolution process under Chapter III-A of Part II;]

(d) individual bankruptcy process under Chapter IV of Part III; and

(e) liquidation of a corporate debtor firm under Chapter III of Part II.

1 [(1A) Where the name of the insolvency professional proposed to be appointed as a resolution professional, is approved under clause (e) of sub-section (2) of section 54A, it shall be the function of such insolvency professional to take such actions as may be necessary to perform his functions and duties prior to the initiation of the pre-packaged insolvency resolution process under Chapter III-A of Part II.]

(2) Every insolvency professional shall abide by the following code of conduct:

(a) to take reasonable care and diligence while performing his duties;

(b) to comply with all requirements and terms and conditions specified in the bye-laws of the insolvency professional agency of which he is a member;

(c) to allow the insolvency professional agency to inspect his records;

(d) to submit a copy of the records of every proceeding before the Adjudicating Authority to the Board as well as to the insolvency professional agency of which he is a member; and

(e) to perform his functions in such manner and subject to such conditions as may be specified."

9. Section 17 of the IBC which deals with management of affairs of corporate debtor by interim resolution professional stipulates that from the date of appointment of the interim resolution professional, the management of the affairs of the corporate debtor shall vest in the interim resolution professional and the powers of the board of directors or the partners of the corporate debtor shall stand suspended and will be exercised by the interim resolution professional. It also stipulates that the officers and managers of the corporate debtor shall report to the interim resolution professional and provide access to such documents and records of the corporate debtor as may be required by the interim resolution professional. It also stipulates that the financial institutions maintaining accounts of the corporate debtor shall act on the instructions of the interim resolution professional in relation to such accounts and furnish all information relating to the corporate debtor available with them to the interim resolution professional. Section 18 of the IBC list out the duties of the interim resolution professional and the same reads as under:

> *"Section 18. Duties of interim resolution professional.*
>
> *The interim resolution professional shall perform the following duties, namely:—*
>
> *(a) collect all information relating to the assets, finances and operations of the corporate debtor for determining the financial position of the corporate debtor, including information relating to—*
>
> *(i) business operations for the previous two years;*
>
> *(ii) financial and operational payments for the previous two years;*

(iii) list of assets and liabilities as on the initiation date; and

(iv) such other matters as may be specified;

(b) receive and collate all the claims submitted by creditors to him, pursuant to the public announcement made under sections 13 and 15;

(c) constitute a committee of creditors;

(d) monitor the assets of the corporate debtor and manage its operations until a resolution professional is appointed by the committee of creditors;

(e) file information collected with the information utility, if necessary; and

(f) take control and custody of any asset over which the corporate debtor has ownership rights as recorded in the balance sheet of the corporate debtor, or with information utility or the depository of securities or any other registry that records the ownership of assets including—

(i) assets over which the corporate debtor has ownership rights which may be located in a foreign country;

(ii) assets that may or may not be in possession of the corporate debtor;

(iii) tangible assets, whether movable or immovable;

(iv) intangible assets including intellectual property;

(v) securities including shares held in any subsidiary of the corporate debtor, financial instruments, insurance policies;

(vi) assets subject to the determination of ownership by a court or authority;

(g) to perform such other duties as may be specified by the Board.

Explanation.—For the purposes of this 1 [section], the term "assets" shall not include the following, namely:—

(a) assets owned by a third party in possession of the corporate debtor held under trust or under contractual arrangements including bailment;
(b) assets of any Indian or foreign subsidiary of the corporate debtor; and

(c) such other assets as may be notified by the Central Government in consultation with any financial sector regulator."

10. Similarly, Section 23 of the IBC provides that the resolution professional shall conduct the entire corporate insolvency resolution process and manage the operations of the corporate debtor during the corporate insolvency resolution process period. Section 25 of the IBC, which deals with the duties of the resolution profession, reads as under:

"*Section 25. Duties of resolution professional.*

(1) It shall be the duty of the resolution professional to preserve and protect the assets of the corporate debtor, including the continued business operations of the corporate debtor.

(2) For the purposes of sub-section (1), the resolution professional shall undertake the following actions, namely:—

(a) take immediate custody and control of all the assets of the corporate debtor, including the business records of the corporate debtor;

(b) represent and act on behalf of the corporate debtor with third parties, exercise rights for the benefit of the corporate debtor in judicial, quasi-judicial or arbitration proceedings;

(c) raise interim finances subject to the approval of the committee of creditors under section 28;

(d) appoint accountants, legal or other professionals in the manner as specified by Board;

(e) maintain an updated list of claims;

(f) convene and attend all meetings of the committee of creditors;

(g) prepare the information memorandum in accordance with section 29;

(h) invite prospective resolution applicants, who fulfil such criteria as may be laid down by him with the approval of committee of creditors, having regard to the complexity and scale of operations of the business of the corporate debtor and such other conditions as may be specified by the Board, to submit a resolution plan or plans.].

(i) present all resolution plans at the meetings of the committee of creditors;

(j) file application for avoidance of transactions in accordance with Chapter III, if any; and

(k) such other actions as may be specified by the Board."

11. A perusal of the abovementioned Sections shows that an Insolvency Professional performs very important functions in the insolvency resolution process of a company. An Insolvency Professional virtually takes over the company during the period it goes through the insolvency resolution process. An Insolvency Professional in fact becomes the heart and brain of the company under the insolvency resolution process and a person having slightest of disqualification cannot be permitted to be appointed as an Insolvency Professional otherwise the entire purpose of the IBC will get vitiated. In exercise of the powers conferred under the IBC, the Board has come up with the Insolvency & Bankruptcy Board of India (Insolvency Professionals) Regulations, 2016 (*hereinafter referred to as 'the 2016 Regulations'*). Regulation 4 of the said Regulations prescribes the eligibility of the Insolvency Professionals and the same reads as under:

"Eligibility. 4.

(1) No individual shall be eligible to be registered as an insolvency professional if he-

(a) is a minor;

(b) is not a person resident in India;

(c) does not have the qualification and experience specified in Regulation 5 or Regulation 9, as the case may be;

(d) has been convicted by any competent court for an offence punishable with imprisonment for a term exceeding six months or for an offence involving moral turpitude, and a period of five years has not elapsed from the date of expiry of the sentence: Provided that if a person has been convicted of any offence and sentenced in respect thereof to imprisonment for a period of seven years or more, he shall not be eligible to be registered;

(e) he is an undischarged insolvent, or has applied to be adjudicated as an insolvent;

(f) he has been declared to be of unsound mind; or

(g) he is not a fit and proper person;

Explanation: For determining whether an individual is fit and proper under these Regulations, the Board may take account of any consideration as it deems fit, including but not limited to the following criteria- (i) integrity, reputation and character, (ii) absence of convictions and restraint orders, and (iii) competence, including financial solvency and net worth.

[(2) No insolvency professional entity, recognised by the Board under regulation 13, shall be eligible to be registered as an insolvency professional, if the entity and/or any of its partner or director, as the case may be, is not fit and proper person under clause (g) of sub-regulation (1).]"

12. A perusal of the explanation of Regulation 4 gives the power to the Board to take account of any consideration as it deems fit in selecting a candidate.

13. Keeping in mind the functions and obligations of an Insolvency Professional, the Board has taken a decision that the Petitioner is not eligible

to be registered as an Insolvency Professional because she is not a fit and proper person to be appointed as Insolvency Professional. As rightly contended by the learned Counsel for the Board, an Insolvency Professional is vested with the responsibility of managing the operations of the company undergoing the insolvency resolution process and all the assets of such a company are looked after by the Insolvency Professional.

14. A reading of the Regulations indicates that the Board can take a decision that a person who has been involved in any kind of financial irregularity cannot be appointed as an Insolvency Professional. The fact that the financial irregularity occurred 11 years ago and that the Petitioner has already paid the penalty for the same. Though the Petitioner might be eligible to be considered to be appointed as an Insolvency Resolution Professional but the decision of the Board not to permit the Petitioner to function as an Insolvency Professional cannot be said to be arbitrary. The allegations against the Petitioner were serious. It is well settled that the basis of considering as to whether a person is suitable for a job or not cannot be laid down in a straight jacket formula. The question of adjudging as to whether a person is suitable for a particular job or not should be left to the appointing authority and more particularly when the appointing authority consists of experts. It is for the experts to decide as to who is best and most qualified for a particular job. The antecedents of a person is an important criterion to decide as to whether the said person is suitable for hte post or not.

15. Discretion has been given to the Board to ensure that the corporate insolvency process is clean and free. Good reputation and character of a person is very important for appointment as an Insolvency Professional. The

decision to determine as to whether a person is fit and proper to be appointed as Insolvency Professional is based on the subjective satisfaction of the Board. While judging as to whether a person is fit and proper to be appointed as an Insolvency Professional his past actions and conduct cannot be ignored and the fact that immediate past was clean does not give a clean chit to the person that his candidature will be considered.

16. The interference by the Writ Courts on the subjective satisfaction arrived at by the instrumentalities of State has been succinctly stated in the well celebrated judgment of the Apex Court in Barium Chemicals Ltd. v. Company Law Board, **1966 SCC OnLine SC 53**, wherein it has held that the Courts do not sit as an Appellate Authority over the subjective satisfaction arrived at by the Authorities and the Courts only see as to whether the satisfaction has been arrived at on irrelevant consideration or by ignoring relevant materials, in that case the Court will interfere with such decisions.

17. The Apex Court in Mansukhlal Vithaldas Chauhan v. State of Gujarat, **(1997) 7 SCC 622,** while dealing with the power of judicial review has observed as under:

> "*22. Mandamus which is a discretionary remedy under Article 226 of the Constitution is requested to be issued, inter alia, to compel performance of public duties which may be administrative, ministerial or statutory in nature. Statutory duty may be either directory or mandatory. Statutory duties, if they are intended to be mandatory in character, are indicated by the use of the words "shall" or "must". But this is not conclusive as "shall" and "must" have, sometimes, been interpreted as "may". What is determinative of the nature of duty, whether it is obligatory, mandatory or directory, is the scheme of the statute in which the*

"duty" has been set out. Even if the "duty" is not set out clearly and specifically in the statute, it may be implied as correlative to a "right".

23. In the performance of this duty, if the authority in whom the discretion is vested under the statute, does not act independently and passes an order under the instructions and orders of another authority, the Court would intervene in the matter, quash the order and issue a mandamus to that authority to exercise its own discretion.

24. In Vice-Chancellor, Utkal University v. S.K. Ghosh [AIR 1954 SC 217 : 1954 SCR 883] this Court pointed out that in a proceeding for mandamus, the Court cannot sit as a court of appeal or substitute its own discretion for that of the authority in which the statute had vested the discretion. It was pointed out:

> *"18. We also think the High Court was wrong on the second point. The learned Judges rightly hold that in a 'mandamus' petition the High Court cannot constitute itself into a court of appeal from the authority against which the appeal is sought, but having said that they went on to do just what they said they could not. The learned Judges appeared to consider that it is not enough to have facts established from which a leakage can legitimately be inferred by reasonable minds but that there must in addition be proof of its quantum and amplitude though they do not indicate what the yardstick of measurement should be. That is a proposition to which we are not able to assent.*
>
> *19. We are not prepared to perpetrate the error into which the learned High Court Judges permitted themselves to be led and examine the facts for ourselves as a court of appeal but in view of the strictures the High Court has made on the*

Vice-Chancellor and the Syndicate we are compelled to observe that we do not feel they are justified. The question was one of urgency and the Vice-Chancellor and the members of the Syndicate were well within their rights in exercising their discretion in the way they did. It may be that the matter could have been handled in some other way, as, for example, in the manner the learned Judges indicate, but it is not the function of courts of law to substitute their wisdom and discretion for that of the persons to whose judgment the matter in question is entrusted by the law."(emphasis supplied)

25. This principle was reiterated in Tata Cellular v. Union of India [(1994) 6 SCC 651 : AIR 1996 SC 11] in which it was, inter alia, laid down that the Court does not sit as a court of appeal but merely reviews the manner in which the decision was made particularly as the Court does not have the expertise to correct the administrative decision. If a review of the administrative decision is permitted, it will be substituting its own decision which itself may be fallible. The Court pointed out that the duty of the Court is to confine itself to the question of legality. Its concern should be:

1. Whether a decision-making authority exceeded its powers?;

2. committed an error of law;

3. committed a breach of the rules of natural justice;

4. reached a decision which no reasonable tribunal would have reached; or

5. abused its powers.

26. In this case, Lord Denning was quoted as saying: (SCC pp. 681-82, para 83)

> *"Parliament often entrusts the decision of a matter to a specified person or body, without providing for any appeal. It may be a judicial decision, or a quasi-judicial decision, or an administrative decision. Sometimes Parliament says its decision is to be final. At other times it says nothing about it. In all these cases the courts will not themselves take the place of the body to whom Parliament has entrusted the decision. The courts will not themselves embark on a rehearing of the matter. See Healey v. Minister of Health [(1955) 1 QB 221 : (1954) 3 All ER 449] ."*

27. Lord Denning further observed as under: (p. 682)

> *"If the decision-making body is influenced by considerations which ought not to influence it; or fails to take into account matters which it ought to take into account, the court will interfere. See Padfield v. Minister of Agriculture, Fisheries and Food [1968 AC 997 : (1968) 1 All ER 694] ."(emphasis supplied)*

28. In Sterling Computers Ltd. v. M&N Publications Ltd. [(1993) 1 SCC 445 : AIR 1996 SC 51 : (1993) 1 SCR 81] it was pointed out that while exercising the power of judicial review, the Court is concerned primarily as to whether there has been any infirmity in the decision-making process? In this case, the following passage from Professor Wade's Administrative Law was relied upon: (SCC p. 457, para 17)

> *"The doctrine that powers must be exercised reasonably has to be reconciled with the no less important doctrine that the court must not usurp*

> *the discretion of the public authority which Parliament appointed to take the decision. Within the bounds of legal reasonableness is the area in which the deciding authority has genuinely free discretion. If it passes those bounds, it acts ultra vires. The court must therefore resist the temptation to draw the bounds too tightly, merely according to its own opinion. It must strive to apply an objective standard which leaves to the deciding authority the full range of choices which legislature is presumed to have intended." (emphasis supplied)*

29. It may be pointed out that this principle was also applied by Professor Wade to quasi-judicial bodies and their decisions. Relying upon the decision in R. v. Justices of London [(1895) 1 QB 214] . Professor Wade laid down the principle that where a public authority was given power to determine a matter, mandamus would not lie to compel it to reach some particular decision.

30. A Division Bench of this Court comprising Kuldip Singh and B.P. Jeevan Reddy, JJ. in U.P. Financial Corpn. v. Gem Cap (India) (P) Ltd. [(1993) 2 SCC 299 : AIR 1993 SC 1435 : (1993) 2 SCR 149] observed as under: (SCC pp. 306-07, para 11)

> *"11. The obligation to act fairly on the part of the administrative authorities was evolved to ensure the rule of law and to prevent failure of justice. This doctrine is complementary to the principles of natural justice which the quasi-judicial authorities are bound to observe. It is true that the distinction between a quasi-judicial and the administrative action has become thin, as pointed out by this Court as far back as 1970 in A.K. Kraipak v. Union of India [(1969) 2 SCC 262 : AIR 1970 SC 150] . Even so the extent of judicial*

> *scrutiny/judicial review in the case of administrative action cannot be larger than in the case of quasi-judicial action. If the High Court cannot sit as an appellate authority over the decisions and orders of quasi-judicial authorities it follows equally that it cannot do so in the case of administrative authorities. In the matter of administrative action, it is well known, more than one choice is available to the administrative authorities; they have a certain amount of discretion available to them. They have 'a right to choose between more than one possible course of action upon which there is room for reasonable people to hold differing opinions as to which is to be preferred'. (Lord Diplock in Secy. of State for Education and Science v. Tameside Metropolitan Borough Council [1977 AC 1014 : (1976) 3 All ER 665] AC at p. 1064.) The Court cannot substitute its judgment for the judgment of administrative authorities in such cases. Only when the action of the administrative authority is so unfair or unreasonable that no reasonable person would have taken that action, can the Court intervene." (emphasis supplied)"*

18. Even though the Petitioner can be registered as an Insolvency Resolution Professional but for determining as to whether the Petitioner is fit and proper candidate it is for the Board to take account of any consideration as it deems fit, including but not limited to the criteria of integrity, reputation and character. The Petitioner has been found guilty of fraudulent practices of violating market integrity and the decision of the Respondent Board to refuse the registration of the Petitioner as an Insolvency Professional on the basis of the decision of the Apex Court cannot be said to be so perverse or

irrational warranting interference under Article 226 of the Constitution of India.

19. In the facts of the present case, this Court is of the opinion that the decision taken by the Board does not suffer from any irregularity which requires interference by this Court under Article 226 of the Constitution of India.

20. Accordingly, the Writ Petition is dismissed. Pending applications, if any, also stands dismissed.

SUBRAMONIUM PRASAD, J

NOVEMBER 20, 2023
Rahul