



2026:DHC:5146



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

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Date of Decision: 17.06.2026

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W.P.(C) 8240/2026, CM APPL. 39006/2026 & CM APPL. 39007/2026

ANUJ GOYAL

.....Petitioner

Through: Ms. Pooja M. Saigal, Sr. Adv. with
Ms. Mahima Ahuja, Mr. Ankit Mittal
& Ms. Isha Virmani, Advs.

Versus

NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI AND
ORS. THROUGH REGISTRAR

.....Respondent

Through: Mr. Atul V. Sood, Mr. Arora Vishwas
Kumar & Mr. Rohan Sood, Advs. for
R-3.
Mr. Arvind Nayar, Sr. Adv. with Mr.
Surjeet, Mr. Aditya Soni & Mr. Khan
Ahmed Darvesh, Advs. for R-4.

CORAM:

HON'BLE MR. JUSTICE TEJAS KARIA

TEJAS KARIA, J. (ORAL)

1. The present Writ Petition has been filed under Articles 226 and 227 of the Constitution of India, 1950 ("**Constitution**"), seeking the following prayers.

"a) *Issue an appropriate writ, order or direction directing Respondent No. 1 to place the matter before a competent bench for hearing and disposal of Petitioner's Urgent/Early Hearing Application and TA (IBC) No. 30(PB)/2026 before any final*

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order in any of the pending Interlocutory Applications is pronounced by Ld. NCLT, Chd bench in relation to C.P. (IB) NO. 248/CHD/2019;

In the alternative

Direct Respondent No. 2 to maintain status quo in relation to C.P. (IB) No. 248/CHD/2019 and not to take up, hear, reserve orders in, pronounce orders in, or otherwise proceed with any pending Interlocutory Applications, including the Resolution Plan Approval Application, till 17.07.2026 i.e. the date fixed for hearing the Transfer Application being TA (IBC) No. 30(PB)/2026.”

2. The Petitioner, Mr. Anuj Goyal, is an allottee / homebuyer in the project, Chandigarh Overseas Private Limited (“**Corporate Debtor**”), and is a member of the Committee of Creditors (“**CoC**”) constituted in the Corporate Insolvency Resolution Process (“**CIRP**”) of the Corporate Debtor, presently pending in C.P. (IB) No. 248/CHD/2019 (“**Insolvency Proceeding**”).
3. Kone Elevators India Private Limited filed an application under Section 9 of the Insolvency and Bankruptcy Code, 2016 (“**IBC**”), and Respondent No. 2 passed the order dated 27.02.2023 directing commencement of the CIRP in respect of the Corporate Debtor and Mr. Arvind Kumar was appointed as the Interim Resolution Professional (“**IRP**”). The Disciplinary Committee of the Insolvency and Bankruptcy Board of India (“**IBBI**”) passed a significant disciplinary order against the erstwhile IRP, suspending his registration as an Insolvency Professional / Resolution Professional for a period of two years.
4. The Insolvency Proceedings have been continuing before Respondent No. 2 and a Resolution Plan has been approved by the CoC and an



application being IA(IBC)(PLAN)/6(CH) 2024, has been filed seeking approval of the Resolution Plan. On 08.06.2026, the Petitioner filed TA (IBC) No. 30(PB)/2026 (“**Transfer Application**”), before the National Company Law Tribunal (“NCLT”), Principal Bench at New Delhi, under Section 419 of the Companies Act, 2013, read with Rules 11 and 16(d) of the National Company Law Tribunal Rules, 2016, seeking transfer of the Insolvency Proceedings from Respondent No. 2 to Respondent No. 1, along with a prayer for an *ex-parte ad-interim* stay on the Insolvency Proceedings pending disposal of the Transfer Application. Respondent No. 2 *vide* order dated 09.06.2026 reserved orders in the Application for approval of the proposed Resolution Plan.

5. The Petitioner preferred an interim application before Respondent No. 2 seeking de-reserving of order dated 09.06.2026. On the same date, the counsel for the Petitioner mentioned the application for urgent listing and the same was allowed to be listed on 12.06.2026, however, the application of the Petitioner was not listed and was mentioned again for listing. The President, NCLT Principal Bench recused from hearing the Transfer Application and the same was directed to be listed on 12.06.2026 before NCLT, Court-III, New Delhi.

6. Respondent No. 1 *vide* order dated 12.06.2026, after some arguments, directed the Petitioner to place on record order dated 09.06.2026 passed by Respondent No. 2 and adjourned the Transfer Application to 17.07.2026. The order dated 09.06.2026 passed by Respondent No. 2 was put on record by the Petitioner on 13.06.2026 as soon as it was uploaded by Respondent No. 2.



7. The Petitioner *vide* email dated 14.06.2026 addressed to the learned Registrar, NCLT Principal Bench requested constitution of a special bench for early hearing of the Transfer Application inasmuch as if the Transfer Application is not heard and Respondent No. 2 pronounces order in the Application for approval of the Resolution Plan, the Transfer Application would become infructuous. The request of the Petitioner seeking early hearing of the Transfer Application has not been allowed as no bench is constituted that can adjudicate the Transfer Application during vacations. Hence, the Petitioner has filed the present Writ Petition.

8. The learned Senior Counsel for the Petitioner submitted that urgent directions are required to be passed in the present Petition as the CIRP will effect the rights of various homebuyers and the Transfer Application will become infructuous if Respondent No. 2 pronounces the order with respect to approval of the Resolution Plan for the Corporate Debtor. It was further submitted that the Petitioner has been constrained to file the Transfer Application as wrongful and inflated claims have been estimated by the erstwhile IRP, who has been suspended by IBBI and remanded to the custody of the Enforcement Directorate on various occasions and the CoC of the Corporate Debtor in its 33rd meeting of the CoC recorded observation of Audit Report evidencing misappropriation of funds by the erstwhile IRP in the CIRP of the Corporate Debtor.

9. The learned Counsel for Respondent No. 3 submitted that it is the Petitioner, who is causing problems in the Insolvency Proceedings and adversely affecting the rights of the CoC and the home buyers by approaching various forums in order to delay the Insolvency Proceedings.



10. The learned Senior Counsel for Respondent No. 4 submitted that the Writ Petition is not maintainable as the High Court shall exercise its extraordinary jurisdiction under Articles 226 and 227 of the Constitution sparingly and the directions sought by the Petitioner cannot be granted by this Court exercising its jurisdiction under Articles 226 and 227 of the Constitution.

11. We have heard the learned Counsel for the Parties.

12. The Petitioner has not challenged any order passed by Respondent No. 1 or Respondent No. 2. Instead, the Petitioner seeks a direction to Respondent No. 1 for early listing and disposal of the Transfer Application before Respondent No. 2 pronounces orders in the Application seeking approval of the Resolution Plan. In the alternative, the Petitioner seeks a direction to Respondent No. 2 to maintain *status quo* in respect of the Application for approval of the Resolution Plan until the Transfer Application is adjudicated by Respondent No. 1.

13. Respondent No. 1 is a Tribunal presided over by its President, and the constitution of a special Bench, as well as the listing of matters during the vacation period, falls within the exclusive prerogative of the Hon'ble President of Respondent No. 1. Instead of mentioning the matter or moving an appropriate application before the Hon'ble President of Respondent No. 1, the Petitioner has approached this Court seeking the directions set out hereinabove.

14. Such directions against a Tribunal cannot be issued by this Court in exercise of its writ jurisdiction. It is well settled that High Courts ought ordinarily to refrain from invoking their extraordinary jurisdiction under



Articles 226 and 227 of the Constitution where proceedings are pending before the competent Tribunal.

15. This Court has been apprised that the Petitioner has already preferred an appeal before the National Company Law Appellate Tribunal against the order dated 09.06.2026 passed by Respondent No. 2. The Petitioner has, therefore, availed of an alternative statutory remedy, wherein substantially similar relief is sought. It also remains open to the Petitioner to move an appropriate application before Respondent No. 1 seeking early hearing of the Transfer Petition or to mention the matter before the Hon'ble President of Respondent No. 1 for such urgent listing. Instead of availing the said remedies, the Petitioner has invoked the writ jurisdiction of this Court by way of the present Writ Petition, which is wholly misconceived.

16. In any event, the filing of the Transfer Petition appears to be an afterthought, particularly since the Petitioner participated in the proceedings before Respondent No. 2 and, thereafter, instituted the Transfer Petition at a highly belated stage, long after commencement of the Insolvency Proceedings. The present Writ Petition has, thereafter, been filed seeking directions against Respondent Nos. 1 and 2. Such conduct amounts to forum shopping, as the Petitioner has sought to approach multiple forums for substantially identical reliefs.

17. By filing the present Petition, the Petitioner has abused the process of law. Accordingly, none of the reliefs sought by the Petitioner can be granted in the present Writ Petition.

18. The present Writ Petition is devoid of merit and is, accordingly, dismissed with costs of ₹25,000/-, having regard to the conduct of the



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Petitioner in instituting multiple proceedings seeking substantially identical reliefs and invoking the writ jurisdiction of this Court without first availing the remedies available in law. The costs shall be paid by the Petitioner to the Delhi High Court Bar Clerks' Association (A/C No. 15530100006282, IFSC Code: UCBA0001553) within a period of two weeks.

19. The Petition stands disposed of.

TEJAS KARIA, J
(VACATION JUDGE)

JUNE 17, 2026

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