

INDIAN INSTITUTE OF INSOLVENCY PROFESSIONALS OF ICAI

(Disciplinary Committee)

DC. No. IIIPI/DC/37/2021-22

ORDER

1. This order disposes of the Show Cause Notice (SCN) dated 13th July 2021, issued to Mr. Rajeev Goel (Respondent), R/o B-2/23, Janak Puri, New Delhi-110058. Respondent is a professional member of the Indian Institute of Insolvency Professionals of ICAI (IIIPI) and registered with IBBI with Registration No. IBBI/IPA-001/IP-P00263/2017-2018/10507. The Monitoring Committee of IIIPI observed non submission of Half Yearly Return (HYR), which every IP is required to file bi-annually latest by 15th October and 15th April each other.
2. The DC considered the reference made by Membership Committee and reviewed the records to issue Show Cause Notice (SCN). The SCN was issued for alleged contravention of the following provisions:
 - I. Section 208(2)(a) of The Insolvency and Bankruptcy Code 2016, requires that an Insolvency Professional (IP), *“To take reasonable care and diligence while performing his duties.”*
 - II. Section 208(2)(e) of The Insolvency and Bankruptcy Code 2016, requires that an Insolvency Professional (IP), *“to perform his functions in such a manner and subject to such conditions as may be specified.”*
 - III. Clause 16 of IBBI (Model Bye-Laws and Governing Board of Insolvency Professional Agencies) Regulations 2016, requires that, *“A professional member shall submit information, including records of ongoing and concluded engagements as an insolvency professional in the manner and format specified by the Agency, at least twice a year.”*
 - IV. Regulation 7(2)(a) of IBBI (Insolvency Professional) Regulation 2016, requires that an Insolvency Professional, *“at all times abide by the Code, rules, regulations and guidelines thereunder and the bye laws of the insolvency professional agency with which he is enrolled.”*
 - V. Regulation 7(2)(h) of IBBI (Insolvency Professional) Regulation 2016, requires that an Insolvency Professional, *“abide by the Code of Conduct specified in the First Schedule to these Regulations.”*
 - VI. Clause (14) of the Code of Conduct for insolvency professionals requires, *“An insolvency professional must not act with mala fide or be negligent while performing his functions and duties under the Code.”*
 - VII. Clause (19) of the Code of Conduct for insolvency professionals requires, *“An insolvency professional must provide all information and records as may be required by the Board or the insolvency professional agency with which he is enrolled.”*
3. A summary of contravention alleged in the SCN, written response submitted by the respondent and thereupon the findings of the DC are as under:
4. **Contravention:** Clause 16 of the Model Bye-Laws of Governing Board of Insolvency Professional Agencies states that *“A professional member shall submit information, including records of ongoing and concluded engagements as an insolvency professional, in the manner and format specified by the Agency, at least twice a year.”* In terms of Clause 16, respondent required

to submit half yearly return to Insolvency Professional Agency (IPA) within 15 days from the end of the respective Half Year. However, it is noted that respondent failed to adhere to the requirement, as specified above, for the period of September 2020, which was required to be submitted latest by 15th October 2020.

5. **Submission:** The respondent in his written submission dated 9th December 2021, expressed his inability to attend personal hearing for the date communicated in the notice by the office and requested for an adjournment on health grounds.
6. **Finding:** An insolvency professional is bestowed with myriad duties. An insolvency professional is expected to exercise due diligence while performing his duties. His diligence should be reflected not only during the corporate insolvency resolution process but also while fulfilling any obligation as a professional member under the Code. In the present matter DC noted that the respondent was under brain stroke however, as now he has complied and filed all the pending HYRs, committee decided to take a lenient view on the matter.
7. Accordingly, in exercise of the powers conferred under Regulation 24(1) (c) of the Insolvency and Bankruptcy Board of India (Model Bye-Laws and Governing Board of Insolvency Professional Agencies) Regulations, 2016 read with clause 15(1) of the Disciplinary Policy of IIIPI, DC pronounces the respondent as not guilty. However, DC advises the respondent to be diligent and more careful in future while submitting any disclosure. Accordingly, the show cause notice is disposed of.
8. This order shall come into force from the date of its issue.
9. A copy of this order shall be forwarded to the Insolvency and Bankruptcy Board of India.

Date: 04-01-2022

Place: Delhi

CERTIFIED TRUE COPY

Sd/-

Mr. Satish Marathe, (Chairman)
CA. (Dr.) Debashis Mitra (Member)
Mr. Satpal Narang, (Member)
CA. Rahul Madan, (Member)

Copy to:

1. Insolvency and Bankruptcy Board of India.
2. Indian Institute of Insolvency Professionals of ICAI- Members Record.