

**Indian Institute of Insolvency Professionals of ICAI
(Disciplinary Committee)**

DC. No. IIIPI/DC/112/2021-22

ORDER

This order is in furtherance to order of the Disciplinary Committee (DC) of Indian Institute of Insolvency Professionals of ICAI (IIIPI) dated 14-06-22 and 13-02-2023 issued to o Mr. Shailesh Pranalal Bhuta (respondent), resident of 901, Regent Chambers, Nariman Point, Mumbai City, Maharashtra 400021. Respondent is a professional member of IIIPI and registered with IBBI with Registration No- IBBI/IPA-001/IP-P00853/2017-2018/11436. Respondent was in default for non-filing of his Half Yearly Return (HYR) for the period of *30th September 2021*, despite having assignments.

2.0. The Disciplinary Committee of IIIPI, on receiving reference from Monitoring Committee of IIIPI and after due deliberation, issued a show cause notice, dated 02-03-22. On 14-06-22, the DC in exercise of the powers conferred under Regulation 24(1) (c) of the IBBI (Model Byelaws and Governing Board of Insolvency Professional Agencies) Regulations, 2016 read with clause 15(1) of the Disciplinary Policy of IIIPI, adjudicated the matter with the following directions:

- I. Complete all the pending compliances within 30 days from issuance of this order;*
- II. If respondent fails to comply within the stipulated time, subsequently, it shall lend him liable for penal action.*
- III. Till the compliance with the abovesaid directions, Authorization for Assignment (AFA) of the respondent will remain suspended.*

3.0. Later, DC noted that the respondent did not/failed to comply with the directions issued by DC vide order dated 14-06-2022, as stated supra. Consequently, DC imposed a penalty of Rs. 50,000 against the respondent vide its order dated 13-02-2023.

4.0. Pursuant to the order dated 13-02-2023, imposing a penalty of Rs. 50,000, the respondent requested the DC to condone the additional penalty of Rs. 50,000 imposed against him and submitted that he had already filed the pending HYR in the month of September 2022.

Respondent also apologised for the delay in submitting the HYR and assured that the same lapse shall not be repeated in the future.

5.0. In view of the foregoing DC notes that though the respondent had not submitted the pending HYR within the specified time period of 30 days from the issuance of the order dated 14-06-2022, however, the respondent belatedly in the month of September 2022 i.e., prior to the issuance of second order dated 13-02-2023, submitted the pending returns. DC further notes the submission of the respondent justifying the delay occurred on the part of the respondent.

6.0. 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. At the same time DC noted the difficulties explained by the respondent and also noted the fact that the respondent has filed the pending HYRs in the month of September 2022 i.e., prior to the issuance of second order dated 13-02-2023.

7.0. In view of the facts, as stated above, DC is inclined to take a lenient view. Accordingly, the DC in furtherance to its order dated 14-06-2022 and 13-02-2023, allowed the request made by the respondent. However, the DC advises the respondent to be diligent and more careful in future while submitting any disclosures/returns or complying with any requirement under the Code.

8.0. This order shall come into force from the date of its issue.

Date: 22-05-2023

Place: Delhi

CERTIFIED TRUE COPY

Sd/-

Mr. Satish Marathe (Chairman)

Mr. Deepak Anurag (Member)

CA. Rahul Madan (Member)

Copy to:

1. Insolvency and Bankruptcy Board of India.

2. Indian Institute of Insolvency Professionals of ICAI- Members Record.

Enclosure:

1. Disciplinary Committee order dated 14-06-22 and 13-02-2023.