



114-CWP-24766-2025

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP-24766-2025

Date of decision:19.02.2026

Suman Raghav**....Petitioner.**

Versus

State of Haryana and others**....Respondents.**

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY, JUDGE**

Present:- Mr. Anupal Singh Tanwar, Advocate,
for Mr. Abhimanyu Singh, Advocate,
for the petitioner.

Mr. Neeraj Gupta, Addl. Advocate General, Haryana.

Mr. Aalok Jagga, Advocate, (arguing counsel)
Mr. H.S. Jagdev, Advocate,
for respondents No. 4 and 5.

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SHEEL NAGU, CHIEF JUSTICE (Oral)

1. Learned counsel for the petitioner, in the present petition, has assailed the order passed by the District Magistrate, Gurugram, vide order dated 24.10.2024 (Annexure P-4).

2. Learned counsel for the petitioner submits that the insolvency professional had submitted an application before the District Magistrate, Gurugram, seeking assistance over the Resolution Professional (RP) to take control and custody of the assets of the corporate debtor.



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3. Learned counsel for the petitioner contends that there is no such power available to the District Magistrate to directly entertain an application of insolvency professional since the same has to be done in terms of Section 19 of the Insolvency and Bankruptcy Code (IBC), 2016 which stipulates that the adjudicating authority, i.e. National Company Law Tribunal (NCLT) has to be first approached the Court and it is only after the NCLT directs the District Magistrate, that action of the nature impugned herein can be taken.

4. Learned counsel for respondents No. 4 and 5 (resolution professional), on the other hand, refer to Section 60(5) of the IBC which is reproduced below for ready reference or convenience of the Court: -

(5) Notwithstanding anything to the contrary contained in any other law for the time being in force, the National Company Law Tribunal shall have jurisdiction to entertain or dispose of-

- (a) any application or proceeding by or against the corporate debtor or corporate person;*
- (b) any claim made by or against the corporate debtor or corporate person, including claims by or against any of its subsidiaries situated in India; and*
- (c) any question of priorities or any question of law or facts, arising out of or in relation to the insolvency resolution or liquidation proceedings of the corporate debtor or corporate person under this Code.'*

5. It is further contended by learned counsel for respondents No. 4 and 5 that in case the petitioner has any grievance due to resistance to the performance of duties to be discharged by the

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insolvency professional, then he has to put up a claim by moving an application before the NCLT.

6. In view of above, this Court is of the considered view that the remedy available to the petitioner is not under Section 226 of the Constitution of India but to first approach the NCLT which is presently seized of the matter.

7. This Court, therefore, extends liberty to the petitioner to approach the NCLT under Company petition (IB) No. 304/KB/2021 pending before National Company Law Tribunal, Kolkatta Bench, Bench-2.

8. As regards non-deposit of cost of Rs. 30,000/-, so imposed, by this Court vide order dated 23.01.2026, learned State counsel submits that Shri Raj Kumar, Patwari, Revenue Department, Gurugram, is present in Court, who assures that the aforesaid cost shall be deposited within a period of three days.

9. With the aforesaid observation and without commenting on the merits of the case, this petition stands disposed of. However, in case, the cost is not deposited within three days, the matter may be listed again in IOIN category.

**(SHEEL NAGU)
CHIEF JUSTICE**

**(SANJIV BERRY)
JUDGE**

19.02.2026

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No