

INSOLVENCY AND BANKRUPTCY BOARD OF INDIA

(Disciplinary Committee)

No. IBBI/DC/323/2026

09th June 2026

ORDER

This Order disposes of the Show Cause Notice (SCN) No. COMP-11012/54/2025-IBBI/1708 dated 31.10.2025 issued to Mr. Gaurav Ashok Adukia who is an Insolvency Professional (IP) registered with the Insolvency and Bankruptcy Board of India (IBBI/Board) having Registration Number- IBBI/IPA-002/IP-N00457/2017-2018/11293 and a Professional Member of the ICSI Institute of Insolvency Professionals.

1. Background

- 1.1 The Corporate Insolvency Resolution Process (CIRP) of M/s. Aswaraj Infra Private Limited (Corporate Debtor/CD) was initiated by an order dated 31.01.2020 of the Adjudicating Authority, Ahmedabad Bench (AA), in an application filed under Section 7 of the Insolvency and Bankruptcy Code, 2016 (Code) by M/s. Dena Bank, wherein Mr. Gaurav Ashok Adukia was appointed as the Interim Resolution Professional (IRP) and later confirmed as the Resolution Professional (RP). The AA vide its order dated 04.01.2021 initiated liquidation of the Corporate Debtor and Mr. Gaurav Ashok Adukia was appointed as the Liquidator of the Corporate Debtor.
- 1.2 The Board, having reasons to believe that the matter required investigation, in exercise of its powers conferred under Section 218 of the Insolvency and Bankruptcy Code, 2016 read with Regulation 7 of the IBBI (Inspection and Investigation) Regulations, 2017 (Inspection and Investigation Regulations), caused an examination in the conduct of the Liquidator in the liquidation proceedings of the Corporate Debtor.
- 1.3 On perusal of the examination report, the Board formed a prima facie opinion that Mr. Gaurav Ashok Adukia had contravened the provisions of the Code and Regulations made thereunder and thereafter issued a SCN to Mr. Gaurav Ashok Adukia on 31.10.2025. The reply of Mr. Gaurav Ashok Adukia to the SCN was received by the Board on 14.11.2025.
- 1.4 The SCN, the reply of Mr. Gaurav Ashok Adukia to the SCN and other material available on record were referred to this Disciplinary Committee (DC). Mr. Gaurav Ashok Adukia availed an opportunity of personal hearing before the DC on 25.03.2026 through virtual mode.

2. Alleged Contraventions, Submissions of Mr. Gaurav Ashok Adukia and Findings of the DC.

The contraventions alleged in the SCN, oral and written submissions by Mr. Gaurav Ashok Adukia and the analysis and findings of the DC are summarized in the following paragraphs.

2.1 **Failure to convene Stakeholder Consultation Committee (SCC) Meetings.**

- 2.1.1 The Regulation 31A(6) (as amended on 12.02.2024) states that the liquidator must convene the first meeting of the SCC within seven days of liquidation commencement date and subsequent meetings within thirty days of the previous meeting unless the SCC has extended the period. However, there shall be at least one meeting in each quarter.
- 2.1.2 It was observed that after the first two SCC meetings, those were conducted in April 17.04.2021 and 16.06.2021, no further SCC meeting was convened until 22.05.2025, which was held only after the express directions of the NCLT, Ahmedabad Bench vide order dated 21.04.2025 in which it was held that: 'He is directed to convene meeting of SCC and take their advice and take further necessary steps.' Thus, for a period of four years, no SCC meeting had been conducted by Mr. Gaurav Ashok Adukia.
- 2.1.3 Thus, the Board, was of the prima facie view that Mr. Gaurav Ashok Adukia had failed to comply with requirement of conducting SCC meetings as per Regulation 31A(6) of the Liquidation Regulations and was in violation of Clause 14 of the Code of Conduct under Regulation 7(2)(h) of the Insolvency Professionals Regulations.

Submissions by Mr. Gaurav Ashok Adukia.

- 2.1.4 Mr. Gaurav Ashok Adukia submitted that during the year 2021, two meetings of the Stakeholders' Consultation Committee (SCC) were duly convened, wherein all major actions, including the appointment of valuers, approval of the Asset Memorandum, consideration of the auction process, realization of assets, and distribution of sale proceeds, were discussed and approved in accordance with the IBBI (Liquidation Process) Regulations, 2016. Mr. Gaurav Ashok Adukia further submitted that during the operative period of liquidation, i.e., until the assets of the Corporate Debtor were realized and sold, all compliances under the Code and the applicable Regulations, including the convening of SCC meetings, were duly adhered to.
- 2.1.5 Mr. Gaurav Ashok Adukia submitted that the sale of the Corporate Debtor was successfully concluded on 10.05.2021 for a total consideration of ₹1,23,26,000, and the entire sale consideration was received in tranches, with the final tranche received on 09.06.2021, within the statutory period prescribed under Regulation 44 of the IBBI (Liquidation Process) Regulations, 2016. Thereafter, the proceeds were distributed to the stakeholders strictly in accordance with Section 53 of the Code, and by October 2021, all realizable assets stood liquidated and the sale proceeds distributed, thereby ensuring full compliance with the applicable regulatory framework during the active liquidation phase. Accordingly, as no realizable assets remained after October 2021 and only Not Readily Realisable Assets (NRRA) were left for consideration, there was no material agenda necessitating periodic SCC meetings during the intervening period.
- 2.1.6 Mr. Gaurav Ashok Adukia submitted that all realizable assets of the Corporate Debtor have been duly sold and the proceeds thereof have been distributed to the stakeholders in

accordance with the applicable provisions of the Code and the Regulations. At present, only a nominal balance of ₹2,834 remains in the liquidation account, which is being retained for the limited purpose of filing the dissolution application before the AA. Further, certain residual assets, classified as NRRRA amounting to approximately ₹94 lakh, are presently under consideration of the SCC for determining their final treatment in accordance with the relevant regulatory framework.

- 2.1.7 Mr. Gaurav Ashok Adukia further clarified that the amended proviso to Regulation 31A(6), which mandates that SCC meetings be held at specified intervals, came into effect prospectively from 12.02.2024 and is not applicable to the earlier period. Notwithstanding the above, and in compliance with the AA's direction dated 21.04.2025, a third SCC meeting was convened on 22.05.2025 to deliberate upon the treatment of NRRRA and the proposed dissolution of the Corporate Debtor. Subsequently, a fourth SCC meeting was held on 30.09.2025 to further consider the same agenda, and the matter remains under consideration of the SCC, with appropriate steps to be taken upon receipt of its advice.

Analysis and Findings of the DC.

- 2.1.8 Regulation 31A(6) of the Liquidation Regulations provide as follows:

“31A. Stakeholders’ consultation committee.

.....

(6) The liquidator shall convene the first meeting of the consultation committee within seven days of the liquidation commencement date and may convene other meetings, if he considers necessary, on a request received from one or more members of the consultation committee:

Provided that when a request is received by the liquidator from members, individually or collectively, having at least thirty three percent of the total voting rights, the liquidator shall mandatorily convene the meeting.

Provided further that the liquidator shall convene subsequent meetings within thirty days of the previous meeting, unless the consultation committee has extended the period between such meetings:

Provided further that there shall be at least one meeting in each quarter.

.....”

- 2.1.9 Regulation 31A(6) of the Liquidation Regulations places a mandatory obligation on the liquidator to convene the first meeting of the Stakeholders’ Consultation Committee within seven days of the liquidation commencement date, to hold subsequent meetings at regular intervals within thirty days of the previous meeting, unless extended by the committee, and to mandatorily convene a meeting upon a request from members holding at least thirty-three percent of the total voting rights. Further, at least one meeting is to be convened in each quarter. This provision came into effect by IBBI’s Notification No. IBBI/2023-24/GN/REG112 dated 12th February 2024 to be effective from 12.02.2024. Prior to such substitution, sub-regulation (6) of Regulation 31(A) provided that the

liquidator shall convene a meeting of the consultation committee when he considers it necessary and shall mandatorily convene a meeting upon a request from at least fifty-one percent of representatives in the consultation committee.

- 2.1.10 The DC notes that only two SCC meetings were held on 17.04.2021 and 16.06.2021 respectively, and thereafter no SCC meeting was convened for a period of approximately four years until 22.05.2025. The third and fourth SCC meetings were ultimately convened on 22.05.2025 and 30.09.2025 respectively to address the treatment of NRRA and the dissolution of the Corporate Debtor, that too only pursuant to explicit directions issued by the AA vide its order dated 21.04.2025.
- 2.1.11 More significantly, the DC notes that the NRRA of approximately ₹94 lakhs, being a substantial residual asset of the Corporate Debtor, remained unaddressed and unresolved for an inordinately prolonged period running into several years, without any steps being taken by Mr. Gaurav Ashok Adukia to bring the matter before the SCC for its deliberation and advice. This prolonged inaction has directly contributed to an unnecessary and unjustified extension of the liquidation period, which is contrary to the fundamental objective of the Code. The liquidation process, which ought to have been concluded within a period of one year as per Regulation 44 of the Liquidation Regulation after the realization of assets by October 2021, has been allowed to linger for years solely on account of the liquidator's failure to actively engage with the SCC on the treatment of the NRRA
- 2.1.12 The DC notes the contention of Mr. Gaurav Ashok Adukia is that since the realizable assets of the Corporate Debtor were fully liquidated and sale proceeds distributed to the stakeholders by October 2021, there was no material agenda to necessitate periodic SCC meetings during the intervening period, and that only NRRA amounting to approximately ₹94 lakhs remained pending for their final treatment. The absence of "material agenda" as contended by Mr. Gaurav Ashok Adukia cannot be a ground to dispense with a mandatory obligation to convene the SCC meetings and conclude the Liquidation process. The DC notes that the NRRA amounting to approximately ₹94 lakhs is a substantial sum and its final treatment is a matter of concern for the stakeholders and squarely falls within the consultative mandate of the SCC. The liquidator cannot unilaterally determine that there is nothing to deliberate upon and thereby render the SCC redundant. Such an approach fundamentally undermines the purpose for which the SCC was constituted. It is a matter of serious concern that the liquidator took no proactive steps, whatsoever, to resolve the NRRA issue and moved to convene the SCC meeting only after the AA was constrained to intervene and issue express directions to that effect vide its order dated 21.04.2025.
- 2.1.13 The DC has further considered the contention of Mr. Gaurav Ashok Adukia that the amended proviso to Regulation 31A(6) of the Liquidation Regulations, mandating quarterly meetings, came into effect prospectively from 12.02.2024 onwards. However, the DC notes that even though the amendment was effective from 12.02.2024, Mr. Gaurav Ashok Adukia did not convene any meeting of SCC till 22.05.2025, which is after the

lapse of more than four quarters from the date when the amended provision became effective. Further, even going by the provision of Regulation 31A(6) as existing prior to amendment dated 12.02.2024, a liquidator was required to convene a meeting of SCC when he considered necessary. As noted in above paragraphs, the NRRA of substantial amount of Rs. 94 lakh were pending for final treatment and it creates enough reasonable ground for Mr. Gaurav Ashok Adukia to have considered it necessary to convene the meeting of SCC.

2.1.14 In view of the foregoing paragraphs, the DC finds that the Mr. Gaurav Ashok Adukia has contravened Regulation 31A(6) of the Liquidation Regulations and is in violation of Clause 14 of the Code of Conduct under Regulation 7(2)(h) of the Insolvency Professionals Regulations. Accordingly, the DC holds the contravention.

2.2 Non-compliance with Reporting Requirements.

2.2.1 The Regulation 15 of the IBBI (Liquidation Process) Regulations, 2016 mandates submission of quarterly progress reports to the Board and the Adjudicating Authority within 15 days from the end of every quarter.

2.2.2 It has been observed that Mr. Gaurav Ashok Adukia failed to file progress reports for several quarters between March 2021 and December 2023, and, for subsequent quarters, the reports were filed with considerable delay. The NCLT, Ahmedabad Bench, in its order dated 04.03.2025, specifically noted that progress reports for the quarters ending 31.03.2024, 30.06.2024, and 30.09.2024, as well as earlier reports, had not been filed in time, and that the Bench has not been apprised of developments in the process since 15.09.2022.

2.2.3 In this regard, Mr. Gaurav Ashok Adukia's explanation regarding portal-related issues and the COVID-19 pandemic does not sufficiently justify the continued non-compliance, post the Hon'ble Supreme Court's exclusion period (ending 28.02.2022), as no progress reports for the years 2022 and 2023 were available on record. The Regulation 47A of the Liquidation Regulations, as well as Hon'ble Supreme Court order, exclude the lockdown period, but do not exempt reporting obligations after such period.

2.2.4 Thus, the Board, was of the prima facie view that Mr. Gaurav Ashok Adukia had failed to comply with the Regulation 15 of the Liquidation Regulations and violation of Clause 14 of the Code of Conduct under the Regulation 7(2)(h) of the Insolvency Professionals Regulations.

Submissions by Mr. Gaurav Ashok Adukia.

2.2.5 Mr. Gaurav Ashok Adukia submitted that the quarterly progress reports were duly prepared and submitted in accordance with the Regulation 15 of the IBBI (Liquidation Process) Regulations, 2016. Mr. Gaurav Ashok Adukia submitted that at the relevant time, there was no requirement to file such reports through Interlocutory Applications

(IA) before the Adjudicating Authority, and that this requirement was introduced subsequently by the AA vide Notification No. 25/02/2022-NCLT dated 25.07.2022.

- 2.2.6 Mr. Gaurav Ashok Adukia further submitted that despite repeated follow-ups with the AA Registry for activation of his login credentials for the said assignment, the liquidation case was not reflected on the portal. Consequently, due to such technical constraints, he was unable to file the reports through the prescribed electronic system. However, acting out of abundant caution, the quarterly progress reports for the earlier periods were duly submitted via email to the NCLT, IBBI, and ICSI IIP.
- 2.2.7 Mr. Gaurav Ashok Adukia further submitted that upon introduction of the requirement for filing through Interlocutory Applications, the quarterly progress reports for the periods ending March 2024, June 2024, and September 2024 were duly filed as IA (Liq.) Nos. 2, 3, and 4 of 2025, which were subsequently taken on record by the AA vide its order dated 21.04.2025. Mr. Gaurav Ashok Adukia further expressed regret for the delay caused and submitted that all necessary steps have since been taken to regularize and mitigate such procedural lapses.

Analysis and Findings of the DC.

- 2.2.8 The Regulation 15 of the IBBI (Liquidation Process) Regulations, 2016 mandates the liquidator to submit quarterly progress reports to the Board and the Adjudicating Authority within fifteen days from the end of every quarter. This obligation is not a mere procedural formality but a substantive compliance requirement ensuring transparency, accountability, and effective oversight over the conduct of liquidation proceedings.
- 2.2.9 The DC notes that Mr. Gaurav Ashok Adukia failed to file progress reports for several quarters between March 2021 and December 2023, and that for subsequent quarters, the reports were filed with considerable delay. Further, the AA in its order dated 04.03.2025, specifically noted that progress reports for the quarters ending 31.03.2024, 30.06.2024, and 30.09.2024, as well as several earlier reports, had not been filed within the prescribed time, and that the AA had not been apprised of developments in the liquidation process since 15.09.2022.
- 2.2.10 The DC notes the contention of Mr. Gaurav Ashok Adukia that the quarterly progress reports were duly prepared, however since the requirement to file through Interlocutory Applications was introduced subsequently vide Notification No. 25/02/2022-NCLT dated 25.07.2022, and that due to non-activation of portal login credentials, Mr. Gaurav Ashok Adukia was unable to file through the electronic system. The DC further notes the submission of Mr. Gaurav Ashok Adukia that reports were submitted via email to the NCLT, IBBI, and ICSI IIP, and that upon introduction of the IA-based filing requirement, the reports for the quarters ending March 2024, June 2024, and September 2024 were duly filed as IA (Liq.) Nos. 2, 3, and 4 of 2025, taken on record by the AA vide order dated 21.04.2025.

- 2.2.11 The DC notes that the obligation under the Regulation 15 of the Liquidation Regulation is independent of the mode or mechanism of filing prescribed by the AA. The subsequent introduction of the IA-based filing requirement was a change in procedural mode and not in the substantive reporting obligations. Therefore, the Notification No. 25/02/2022-NCLT dated 25.07.2022 cannot be used to justify the absence of timely reporting during the earlier period. With respect to portal-related difficulties, the DC observes that a registered Insolvency Professional cannot be permitted to take shelter behind technical constraints to justify a sustained and prolonged failure to discharge a mandatory statutory obligation. The mere submission of emails of the progress reports does not constitute compliance under Regulation 15 of the Liquidation Regulations, particularly when no corroborative material is on record establishing that such progress reports were actually filed before the AA and taken on record. Moreover, the AA observation in its order dated 04.03.2025 that it had not been apprised of developments since 15.09.2022 strongly corroborate the finding that the progress reports were not filed within the timelines. Therefore, the DC does not accept these submissions as a sufficient justification for the prolonged non-compliance.
- 2.2.12 The DC further notes the submission of Mr. Gaurav Ashok Adukia regarding the disruptions caused due to COVID-19. The DC notes that even if disruptions related to COVID-19 are accepted as a mitigating factor for the limited lockdown period, the same cannot justify continued non-compliance well beyond the Supreme Court's exclusion period ending 28.02.2022. The Regulation 47A of the Liquidation Regulations and the relevant orders of the Hon'ble Supreme Court provided exclusion only for the specific lockdown period and did not exempt reporting obligations thereafter. The absence of any progress reports for the entirety of 2022 and 2023 is therefore unjustified and cannot be attributed to either pandemic disruptions or portal-related issues, both of which were temporary in nature and ought to have been resolved within reasonable time.
- 2.2.13 The DC notes that Mr. Gaurav Ashok Adukia has expressed regret for the delay, however, the same cannot operate as absolution of an established violation. Compliance with statutory obligations must be proactive, timely, and consistent, which cannot be reduced to a corrective exercise undertaken only after intervention by the Adjudicating Authority or the Board.
- 2.2.14 In view of the above, the DC finds Mr. Gaurav Ashok Adukia had contravened the Regulation 15 of the Liquidation Regulations and violation of Clause 14 of the Code of Conduct under Regulation 7(2)(h) of the Insolvency Professionals Regulations. Accordingly, the DC holds the contravention.

2.3 Failure to be present before the Adjudicating Authority and Non- compliance with AA Directions.

- 2.3.1. The NCLT, Ahmedabad Bench vide its order dated 04.03.2025 noted that Mr. Gaurav Ashok Adukia did not appear before the Bench during multiple hearings, despite being

directed to do so, and failed to comply with certain directions in a timely manner. The Bench had to pass an express order stating that they were not made aware of the developments on the liquidation process in the assignment being handled by him. It is trite knowledge that the processes under the Code are carried out under the supervision of the Adjudicating Authority.

- 2.3.2. Thus, the Board, was of the prima facie view that Mr. Gaurav Ashok Adukia had contravened Clauses 12 and 14 of the Code of Conduct, under the Regulation 7(2)(h) of the Insolvency Professionals Regulations which requires an IP to appear, cooperate, and be available for inspections and proceedings before the Board or Adjudicating Authority.

Submissions by Mr. Gaurav Ashok Adukia.

- 2.3.3. Mr. Gaurav Ashok Adukia submitted that the non-appearance on the relevant date was inadvertent and occurred due to technical connectivity issues while attempting to join the virtual hearing, and there was no deliberate or negligent conduct on his part. Mr. Gaurav Ashok Adukia further submitted that he has been regularly represented in the matter through his counsel as and when required and has ensured due compliance with the provisions of the Code.
- 2.3.4. Mr. Gaurav Ashok Adukia submitted that on one occasion, i.e., on 04.03.2025, his counsel was unable to appear before the AA due to technical connectivity issues at his end. It was further submitted that immediately upon facing such difficulty, efforts were made to resolve the issue by approaching the concerned officials of the AA.
- 2.3.5. Mr. Gaurav Ashok Adukia also submitted that upon receiving the hearing intimation, he made sincere attempts to join the virtual proceedings between 12:00 p.m. and 12:30 p.m., however, he was unable to connect successfully due to the aforesaid technical constraints. Mr. Gaurav Ashok Adukia reiterated that the said non-appearance was purely unintentional and beyond his control.

Analysis and Findings of the DC.

- 2.3.6. The DC notes the submission of Mr. Gaurav Ashok Adukia that his non-appearance was inadvertent, that he made sincere attempts to join the virtual proceedings, and that he has otherwise been represented through counsel. The DC on perusal of the record notes that Mr. Gaurav Ashok Adukia failed to appear before the AA during multiple hearings despite being specifically directed to do so, compelling the AA to pass an express order recording that it had not been kept apprised of developments in the liquidation proceedings. The DC notes that the liquidation proceedings under the Code are carried out under the supervision of the AA, and Mr. Gaurav Ashok Adukia being the liquidator, is duty-bound to ensure his presence and cooperation in all proceedings related to the assignment. The explanation of technical connectivity issues may, at best, explain a single instance of non-appearance, but cannot account for or justify the repeated failure

to appear across multiple hearings as specifically noted by the AA in its order dated 04.03.2025.

2.3.7. In view of the above, the DC finds Mr. Gaurav Ashok Adukia had contravened Clauses 12 and 14 of the Code of Conduct, under Regulation 7(2)(h) of the Insolvency Professionals Regulations and accordingly holds the contravention.

3. Order.

3.1. In view of the foregoing discussion, the DC finds that Mr. Gaurav Ashok Adukia has failed to convene SCC meetings over a prolonged period of nearly four years, failed to file quarterly progress reports within the prescribed timelines across multiple quarters, and failed to appear before the AA during multiple hearings despite specific direction of the AA.

3.2. Therefore, the DC in exercise of the powers conferred under Section 220 of the Code read with Regulation 13 of the IBBI (Inspection and Investigation) Regulations, 2017 hereby suspends the registration of Mr. Gaurav Ashok Adukia (Registration No. IBBI/IPA-002/IP-N00457/2017-2018/11293) for a period of one year.

3.3. This Order shall come into force on expiry of 30 days from the date of its issue.

3.4. A copy of this order shall be sent to the CoC of all the corporate debtors in which Mr. Gaurav Ashok Adukia is providing his services. The CoC of the respective corporate debtors may decide about continuation of Mr. Gaurav Ashok Adukia as RP/Liquidator of such CD. In case, the CoC decides to continue with the services of Mr. Gaurav Ashok Adukia, it shall record reasons for the same.

3.5. A copy of this order shall be forwarded to the ICSI Institute of Insolvency Professionals where Mr. Gaurav Ashok Adukia is enrolled as a member.

3.6. A copy of this order shall also be forwarded to the Registrar of the Principal Bench of the National Company Law Tribunal, New Delhi, for information.

3.7. Accordingly, the show cause notice is disposed of.

Sd/-

(Dr. Bhushan Kumar Sinha)

Whole Time Member

Insolvency and Bankruptcy Board of India

Sd/-

(Jayanti Prasad)

Whole Time Member

Insolvency and Bankruptcy Board of India

Dated: 09th June 2026

Place: New Delhi