

**INSOLVENCY AND BANKRUPTCY BOARD OF INDIA**  
**(Disciplinary Committee)**

No. IBBI/DC/325/2026

15 June 2026

**ORDER**

This Order disposes of the Show Cause Notice (SCN) No. COMP-11011/104/2024-IBBI/925/141 dated 28.01.2025, issued to Shri Girish Siriram Juneja, who is an Insolvency Professional registered with the Insolvency and Bankruptcy Board of India (IBBI/Board) with Registration No. IBBI/IPA-IBBI/IPA-001/IP-P00999/2017-2018/11646 and a Professional Member of the Indian Institute of Insolvency Professionals of ICAI.

**Background**

- 1.1. The Hindusthan National Glass and Industries Limited (Corporate Debtor/CD) was admitted into Corporate Insolvency Resolution Process (CIRP) *vide* order dated 21.10.2021 of the NCLT, Kolkata Bench (Adjudicating Authority/AA) wherein Shri Girish Siriram Juneja was appointed as the Interim Resolution Professional (IRP) and subsequently he confirmed as Resolution Professional (RP).
- 1.2. The Board received a complaint dated 21.10.2024 against Shri Girish Siriram Juneja in the CIRP of CD. The Board *vide* sought reply of Shri Girish Siriram Juneja e-mails dated 07.11.2024 and 25.11.2024. Shri Girish Siriram Juneja provided his reply on 29.11.2024 and 17.12.2024. The Board examined the complaint *vis-a-vis* the reply of Shri Girish Siriram Juneja and based on such examination, the Board issued SCN to Shri Girish Siriram Juneja on 28.01.2025. He replied to the SCN on 22.02.2025.
- 1.3. The SCN and its response by Shri Girish Siriram Juneja were referred to the Disciplinary Committee (DC) for disposal. Shri Girish Siriram Juneja availed an opportunity of personal hearing before the DC through virtual mode on 25.04.2025 wherein he appeared along with his legal counsel Ms. Pooja Mahajan. Shri Girish Siriram Juneja also provided his additional written submissions on 05.05.2025.
- 1.4. The DC has considered the SCN, the reply to SCN, oral and written submissions of Shri Girish Siriram Juneja, and proceeds to dispose of the SCN.

**2. Alleged Contravention, submissions of Shri Girish Siriram Juneja, analysis and findings of the DC.**

The contravention alleged in the SCN, oral and written submissions made by Mr Girish Siriram Juneja, analysis and findings of the DC are summarized as follows:

- 2.1. **Contravention related to misconduct, negligence, mismanagement, failure to preserve and protect the assets of the CD and compliance with other laws applicable to the CD.**
  - 2.1.1. It has been observed by the Board that following a fire incident on 29.12.2023, the Deputy Director of Industrial Safety and Health, under the Factories Act, 1848, conducted an

inspection on 30.12.2023 and 30.01.2024 and subsequently lodged a complaint dated 28.03.2024 before the Chief Judicial Magistrate (CJM), Nashik. The complaint noted a violation of Rule 71-B (2) of the Maharashtra Factories Rules, 1963 which requires installation of adequate fire-fighting apparatus and provision of water supply for fire-fighting, as the power-driven trailer pump of required capacity was not in operational condition at the time of inspection. The said contravention is punishable with imprisonment, fine or both under section 92 of the Factories Act, 1948.

2.1.2. The findings of the Deputy Director indicate gross negligence and mismanagement in ensuring adequate fire-fighting equipment and arrangements during the CIRP period under supervision of Shri Girish Siriram Juneja as RP, as well as non-compliance with the Factories Act, 1948 read with the Maharashtra Factories Rules, 1963, applicable to the CD.

2.1.3. Shri Girish Siriram Juneja in his reply to the complaint, did not specifically address the contraventions observed by the Deputy Director of Industrial Safety and Health. Instead, Shri Girish Siriram Juneja have focused on the fact that no criminal proceedings have been instituted against him. In this regard, it would be pertinent to mention that the Hon'ble ASJ itself observed strong *prima facie* case against him on account of serious negligence regarding maintenance of the furnace, sprinkler system, survey reports, safety advisories and recommendations from different government agencies towards maintenance and explosive substances *vide* order dated 21.12.2024. Thus, the pending criminal proceedings and the adverse judicial observations on conduct of Shri Girish Siriram Juneja as RP underscore the seriousness of his misconduct due to continued negligence in preserving and protecting the assets of the CD and ensuring compliance with the requirements under other laws applicable to the CD. Hence the Board held *prima facie* view that Shri Girish Siriram Juneja contravened Sections 17(2)(e), 25(1), 208(2)(a) & (e) of the Code, Regulation 7(2)(a) and (h) of IBBI (Insolvency Professional) regulations, 2016 (IP Regulations) read with Clause 14 of the Code of Conduct specified in First Schedule to IP Regulations.

2.1.4. Additionally, the Board has also noted that the Maharashtra Pollution Control Board (MPCB) had issued a show cause notice (SCN) dated 24.07.2023, citing non-compliances of various environmental enactments like Water (Prevention & Control of Pollution) Act, 1974, Air (Prevention & Control of Pollution) Act, 1981, Hazardous & Other Wastes (Management & Trans-Boundary Movement) Rules, 2016, as observed during visit of its official on 13.07.2023 at Sinnar Plant (Nashik). The violations *inter alia* pertained to absence of treatment facility for the trade effluent generated from industrial activity as mandated under the consent conditions, non-operational Sewage Treatment Plant (STP), poor operation, maintenance and record keeping of STP, use of furnace oil as fuel, which is otherwise banned, etc.

2.1.5. Shri Girish Siriram Juneja, in his reply, have submitted that he duly responded to the SCN issued by the MPCB. However, the Board held the view that such response and any subsequent corrective compliance do not negate the fact that there was non-compliance with environmental enactments during his tenure as RP, which were serious in nature, leading to

consequent regulatory action by the MPCB. The ex-post compliance does not absolve Shri Girish Siriram Juneja of his failure in ensuring compliance with the requirements of various environmental enactments applicable to the CD and *prima facie* dereliction of his statutory duty.

2.1.6. Thus, Board held the *prima facie* view that Shri Girish Siriram Juneja have contravened Sections 17(2)(e), 208(2)(a) & (e) of the Code, Regulation 7(2)(a) and (h) of IP Regulations read with Clause 14 of the Code of Conduct specified in First Schedule to IP Regulations.

2.1.7. Shri Girish Siriram Juneja have also contended that the complaint dated 21.10.2024 was filed beyond the prescribed period of 45 days from the date of occurrence of the cause of action, the fire incident which took place in December 2023 and no condonation was sought for the delay. However, the Board has observed that the allegations raised in the complaint pertain to continuing non-compliance during the ongoing CIRP, extending even prior to the fire incident. Therefore, the cause of action cannot be confined to a single event and the timeline for the cause of action remains an ongoing concern.

2.1.8. Therefore, the Board held *prima facie* view that Shri Girish Siriram Juneja has contravened Sections 17(2)(e), 25(1), 208(2)(a) & (e) of the Code, Regulation 7(2)(a) and (h) of IP Regulations read with Clause 14 of the Code of Conduct specified in First Schedule to IP Regulations.

## 2.2. Submissions by Shri Girish Siriram Juneja.

2.2.1. Shri Girish Siriram Juneja submitted that an identical complaint with respect to alleged failure to comply with regulatory and safety laws was made by another delinquent employee Shri Subhash Sangle employed at the Nashik Unit (who is also acting for the promoters) *inter alia* with the IBBI. This complaint was registered as *GRC No. 391/24-25/08* and referred to by IBBI to Institute of Insolvency Professionals of ICAI (IIIP-ICAI), the Insolvency Professional Agency regulating him. IIIP-ICAI sent the said complaint to the Shri Girish Siriram Juneja, which was duly responded to by him by way of letter dated 12.08.2024. The IIIPICAI closed the complaint, noting as under : -

*“The allegations raised in the grievance were duly examined by the Grievance Redressal Committee (GRC) of IIPI. The Respondent, in his reply, submitted that all due measures were taken to protect and preserve the assets of the Corporate Debtor and to maintain it as a going concern. Additionally, the complainant’s request for an investigation under Section 213 of the Companies Act, 2013, falls outside the scope of the Code. Other contentions raised by the complainant were also carefully considered by the GRC.*

*Based on the available information, the GRC found no actionable material in the grievance. The grievance is accordingly closed.”*

It is a settled principle of administrative law that once an enquiry against an officer is closed/

decided, another enquiry on the same set of facts cannot be initiated as it would be against the principles of natural justice and fair play and would amount to double jeopardy and harassment. Hence, once a complaint based on the same set of facts was closed by IIP-ICAI after finding no wrongdoing on his part, the IBBI ought not to have issued an SCN (resulting in suspension of Authorization for Assignment (AFA)) basis the very same facts. There is no change of circumstance that has taken place after issuance of the letter dated 22.11.2024 (except passing of the order by the Ld. ASG rejecting his anticipatory bail, which cannot be the basis of an SCN).

2.2.2. Shri Girish Siriram Juneja further submitted that the Complainant (Shri Manoj Wadhawane) was working as a furnace supervisor of the CD, there were no observations or adverse reports made regarding the functioning of the furnace to his Manager. After the fire incident and the operations being shut down, Shri Manoj Wadhawane continued as an employee of the CD. Four months after the accidental fire, he filed a complaint with the Sinnar Police Station on 18.04.2024. Basis the response and explanations filed with the police, the police closed the complaint and did not find reason to register an FIR. Shri Manoj Wadhawane lodged a case with the Jt. Judicial Magistrate, Sinnar seeking registration of the FIR, opposed the bail of Shri Girish Siriram Juneja at the Sessions Court, and the Bombay High Court.

2.2.3. Shri Girish Siriram Juneja further submitted that from a plain reading of the SCN, it is noted that the IBBI has prima facie concluded misconduct, negligence, mismanagement, failure to preserve and protect the assets of the Corporate Debtor and compliance with other laws applicable to the Corporate Debtor on account of the following:

- i. Complaint filed by the Deputy Director of Industrial Safety and Health (DISH) before Judicial Magistrate, Sinnar, highlighting one particular non-compliance by the Corporate Debtor of Maharashtra Factories Rules (DISH Complaint);
- ii. Notice issued to the CD by Maharashtra Pollution Control Board (MPCB) highlighting certain non-compliances;
- iii. Certain prima facie observations made by the Learned Additional Sessions Judge – 6, Nashik, (ASJ) in his order dated 21.12.2024 while considering his anticipatory bail application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2.2.4. He submitted that an inference of misconduct, negligence, failure to preserve assets etc. cannot be drawn against him merely on the basis of complaints/notices of noncompliance issued by two Government Authorities or on basis of registration of FIR or interim observations by a court while denying anticipatory bail.

2.2.5. Firstly, with respect to the notices/ complaints of non-compliance issued by Government Authorities (DISH and MPCB), it is submitted that any operational company, especially a company that is under a CIRP *inter alia* on account of acts of mismanagement and non-compliances by previous management, routinely receives various notices by Government Authorities highlighting non-compliances. Mere issuance of such notices neither establishes

an offence by the company, nor can be a ground for suspending the RP. If IP(s) are personally penalized and suspended for issuance of notices highlighting certain non-compliances by the companies (which may have continued from before), no insolvency professional will agree to act as a RP of a company. Further, IBBI is not the appropriate forum to determine the compliance status of a CD and would not have the subject matter expertise to determine whether a non-compliance mentioned in a notice issued to a company is correct or pre-existing or justifiable/ material/ routine/ rectifiable etc. Therefore, the complaints/ notices issued by DISH and MPCB (which in any case are incorrect, unjustified and disputed) cannot *ipso facto* lead to a conclusion of “*gross negligence and mismanagement*” on the part of the RP.

2.2.6. With respect to filing of a criminal complaint and investigation, he submitted that filing of the complaint or mere registration of an FIR and observations by Ld. ASJ, particularly in criminal proceedings, have no determinative value unless they result in a final conviction. A complaint or an FIR is neither a piece of substantive evidence nor does it form the spine of a criminal case. In this regard, reliance is placed on *Manoj Kumar v State of Uttarakhand (2019) 5 SCC 667*, in which the Hon’ble Supreme Court has held that an FIR merely sets the criminal law in motion and cannot, by itself, be used to infer guilt. Thus, filing of a complaint with the Judicial Magistrate only starts the legal process, allowing the court to investigate the allegations and determine if there is sufficient evidence to proceed with registration of FIR or with a trial (if required). Therefore, the mere fact that the complaint is filed by DISH or an FIR has been registered against the RP for purposes of investigation of the fire incident at Sinnar Plant cannot be the basis of issuance of the SCN against him.

2.2.7. He further submitted that, on 28.03.2024, DISH filed the complaint before the Judicial Magistrate, Nashik alleging non-compliance of Section 71-B(2) of the Maharashtra Factories Rules, 1963 and sought issuance of process against the ‘Occupier’ (i.e., Shri Mukul Somany). Notably, till date no action has been taken on the said complaint i.e., the matter is still pending before the Judicial Magistrate. It is also clarified that RP is not even named as the accused in the said Complaint. Thus, DISH Complaint cannot even be relied upon by IBBI while issuing SCN.

2.2.8. Apart from the complaint filed by the DISH, various other complaints were filed against the him by certain delinquent employees/ worker of the CD or proxy unions. Initially, the Police did not entertain any of these complaints and no FIR was registered after the fire incident. In fact, on investigation, the Police had issued a closure report as it did not find any wrongdoing, offence or misconduct. The closure report issued by the MIDC Sinnar Police Station is based on an extensive enquiry conducted following the complaint filed by Shri Manoj Wadhawane. The relevant findings and conclusions can be summarized from three reports are as under:

I. Inquiry Report dated 23.07.2024: This report pertains to the summary of the inquiry into the accidental fire incident. After examining the statements of approximately 13 witnesses, it was concluded that the fire was accidental in nature and was caused on account of molten glass leaked from the furnace

- II. Report dated 20.08.2024: This report, addressed to the Superintendent of Police, Nashik, from MIDC Sinnar Police Station, pertains to the complaint filed by Shri Manoj Wadhavane. It confirms that the police reviewed the allegations and the documents submitted by Shri Girish Siriram Juneja and Shri Une. Since the incident involved technical issues, the police consulted the Department of Industrial Safety and Health (DISH), which confirmed that a case related to the matter had already been filed before the Chief Judicial Magistrate, Nashik. Accordingly, since the matter was *sub judice* and involved technical considerations, the police advised the complainant to approach the MIDC Divisional Office, Nashik
- III. Report dated 01.10.2024: This report, submitted by PI Pramod Patil to the Court of the Judicial Magistrate First Class, refers to expert reports from RAT and VJTI. It reiterates that the matter is currently under enquiry by DISH and is sub judice. Importantly, the report records that, based on the enquiry conducted thus far, no evidence of negligence or any deliberate act by the non-applicants (i.e., the respondents) has been found in connection with the fire. As such, no criminal offence has been made out.

2.2.9. However, after 4 months, on 18.04.2024, a complaint was filed by one Shri Manoj Chandrakant Wadhavane (an employee of HNG who is a close associate of the promoter and acting at the behest of the promoter) against Shri Girish Siriram Juneja and the head of the Sinnar Plant (Employee False Complaint) and when the Police did not register an FIR, the said Complainant approached Ld. Judicial Magistrate, Sinnar who directed for registration of the FIR on 19.10.2024. The said order was passed directing registration of the FIR only because the offences alleged by the complainant in the Employee False Complaint were cognizable in nature and the Court did not go into the merits of the case. Further, even the FIR registered pursuant to the Court order is simply a copy paste of the Employee False Complaint and is full of lies and falsity. It is stated that the FIR remains under investigation and as of now, there has been no finding establishing the committal of any offence.

2.2.10. He submitted that no charge sheet has been filed by the police in connection with the FIR registered at the MIDC Police Station. However, there are some proceedings which have been filed against the RP in relation to the same matter before the NCLT.

2.2.11. With regards to the observations made by the Ld. ASJ is concerned, he submitted that it is also well settled that prima facie observations in a bail hearing do not constitute a finding of guilt. The SCN incorrectly relies on certain prima facie observations made by the ASJ in the 21.12.2024. It is submitted that such observations are merely incidental for the purposes of deciding the concerned anticipatory bail application and do not and legally cannot constitute any determination of guilt. In this regard, reliance was placed on the judgment of the Hon'ble Bombay High Court in *Deelip Tatoba Raje v. State of Maharashtra (Criminal Appeal No. 990 of 2019)*, where the court expressly held that observations made by the Ld. ASJ while rejecting a bail application do not carry binding precedent. Accordingly, certain remarks made by the Ld. ASJ hold no conclusive value unless adjudicated in the final judgment and cannot, in any way, establish negligence on his part in operating and managing

the CD as a RP.

- 2.2.12. He submitted that the said order has been passed without considering relevant submissions of the RP and simply relies on the allegations in the FIR and Employee False Complaint. For instance, by simply relying on the FIR/ Employee False Complaint, it states that “*They have neglected towards the safety advisories from different government agencies towards maintenance and towards the explosive substances.*” However, there were no such safety advisories from different government agencies which have been neglected. Similarly, it simply notes that “*They have not maintained the sprinkler system to avoid the loss*” without any basis. Thus, the observations made by the Ld. ASJ are not based on any evidence whatsoever and are erroneous and factually incorrect.
- 2.2.13. He further submitted that the SCN overlooks the fact that following the order by Ld. ASJ, the RP approached the Hon’ble Bombay High Court seeking anticipatory bail. The Hon’ble High Court, on the same set of facts and upon appreciating the circumstances, granted him interim protection. Hence, the observations in the order of Ld. ASJ cannot be a ground for issuance of SCN against the RP, in light of the subsequent order passed by the Hon’ble Bombay High Court.
- 2.2.14. Shri Girish Siriram Juneja stated that it is a fundamental tenet of criminal jurisprudence that an accused person is presumed to be innocent until proven guilty. In the present case, no judicial or quasi-judicial body has rendered a final finding of guilt against him. Therefore, any reliance on unproven allegations or preliminary remarks is wholly unjustified and violates the principles of natural justice and due process.
- 2.2.15. He submitted that any finding by the IBBI with respect to non-compliance of safety/environment laws or the Maharashtra Factories Rules/ Factories Act by the CD will prejudice the ongoing investigation and defence of the CD in such investigation and will expose the Corporate Debtor to penalties and liabilities. Similarly, any finding by the IBBI on the conduct of the RP with respect to maintenance and operations of the Plants will prejudice the defence of the RP in ongoing criminal investigations. As highlighted earlier, IBBI may not have the subject matter expertise to delve into such issues and hence, it submitted that the IBBI ought not to return any findings with respect to these matters.

### **Response on Merits**

- 2.2.16. Shri Girish Siriram Juneja submitted that the core team is located in Kolkata (place of registered office of the CD) and Mumbai and they regularly visit various Plant locations across the country. While he oversee and supervise the overall operations of the CD, he does not personally undertake the day-to-day operations of the various Plants and rely on the guidance and inputs of the company’s officials who are technical experts and who run the plants on ground on a day-today basis. He also oversee safety and compliance matters, making informed decisions based on the recommendations of such officials and independent

experts engaged for such purposes. In furtherance of ensuring safety, refurbishment, and the overall development of the CD, RP undertaken multiple measures to ensure operational efficiency of all of the Plants.

2.2.17. He submitted that there has been no negligence in his conduct regarding the preservation and protection of the CD's assets and in compliance with prevailing laws. In order to maintain the safety and efficiency of the furnaces, the CD employed qualified personnel with the necessary experience, skills, and expertise. For instance, the Sinnar Plant has a designated Furnace Manager/ Unit Manager, who is responsible for overseeing the furnace's upkeep and maintenance. Further, CD has the All-India Tech Center in Bahadurgarh, which provides support to the Furnace/ Unit Manager to repair the furnace as and when needed. On regular basis, the Furnace/ Unit Manager in coordination with CD's All India Tech Center in Bahadurgarh would recommend an endoscopy of the furnace to assess its condition and determine if any repair or maintenance measures were required. In the year 2023, the Furnace Manager recommended an endoscopy at the Sinnar Plant by an expert. Based on this recommendation, a routine endoscopic inspection of the furnace was conducted in June 2023 to assess any deterioration of the lining and identify areas requiring attention. In line with prudent and responsible conduct expected of a Resolution Professional, in consultation with the technical experts and Management of the Company, an independent third-party expert was engaged with relevant domain expertise to undertake the furnace inspection and carry out necessary maintenance from time to time prior to the fire incident. In this regard, FOSBEL, a globally reputed company headquartered in USA and a recognized leader in refractory maintenance and repair, was engaged to conduct an endoscopic inspection of Sinnar furnace. From 23.08.2023 to 29 .08.2023 and 04.09.2023 to 13.09.2023, a team of eight FOSBEL technicians carried out the furnace repairs at the Sinnar Plant. Based on the findings of FOSBEL's Endoscopic examination, the necessary ceramic welding work was carried out in the Sinnar Furnace by FOSBEL to ensure furnace's safe and continued operation. It is pertinent to state that the expert bodies have expressed their satisfaction of the repair work carried out including the last ceramic welding and endoscopy in September 2023 and the furnace being competent to operate.

2.2.18. It is submitted that since the commencement of the CIRP, Rs.1.16 crore has been spent on endoscopy and ceramic welding services provided by FOSBEL, while an additional 1.5 crore was allocated for refractory repairs after October 2021. The engagement of FOSBEL, an industry leader in refractory maintenance, along with the total expenditure of Rs.2.66 crore, underscores the diligent efforts of both the RP and the officials of the CD. The table below shows the amount of work undertaken to upkeep and maintain the furnace at Sinnar Plant after the commencement of the CIRP:

2021-22	2022-23	2023-2024
<ul style="list-style-type: none"> <li>• The Burner Blocks were changed as &amp; when required.</li> <li>• Melter Crown Rat Holes are repaired multiple times at</li> </ul>	<ul style="list-style-type: none"> <li>• Melter crown rate holes repaired multiple times.</li> <li>• Both sides Burner blocks were changed as</li> </ul>	<ul style="list-style-type: none"> <li>• Melter Crown rate holes repaired multiple times.</li> <li>• Both sides Burner blocks were changed as &amp; when</li> </ul>

<p>different areas of crown.</p> <ul style="list-style-type: none"> <li>• Port side wall repaired.</li> <li>• RHS doghouse corner repaired. Front gable wall repairing work done.</li> <li>• LHS doghouse super structure wall repaired.</li> <li>• RHS doghouse curtain block changed. RHS doghouse wall repairing done.</li> <li>• RHS doghouse wall repairing done.</li> <li>• LHS wall hole patching done.</li> <li>• Ceramic welding was done melter Crown of 1<sup>st</sup> and 4th segment, superstructure above both side Doghouse, front &amp; back wall.</li> <li>• Melting tank block patching was done at RHS DH area &amp; Throat area (under top layer).</li> </ul>	<p>&amp; when required.</p> <ul style="list-style-type: none"> <li>• Ceramic welding was done at Melter Crown, superstructure above both side Doghouse, front &amp; back wall.</li> </ul>	<p>required.</p> <ul style="list-style-type: none"> <li>• Tile patching work was done under Port Gallery (by removing 2nd layer) both Doghouse area including corners, in between two Throats and front wall.</li> <li>• Left hand side (LHS) fallen superstructure above Dog House and adjacent wall hot repairing done.</li> <li>• Ceramic Welding was done at Melter Crown, superstructure above both side Doghouse, arches, front &amp; back wall.</li> </ul>
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2.2.19. He submitted that in 2023, the fire-fighting system at the Sinnar Plant was upgraded with advanced technology to enhance safety measures. He approved a special capital expenditure for this upgrade, with over Rs. 55 lakh being invested between August and December 2023, to safeguarding the CD assets. As a part of this upgrade, a fire hydrant line was installed at the Sinnar Plant looping across the entire Sinnar Plant and covering all floors of the factory building with a Hose Reel. When the fire tenders arrived at the Sinnar Plant on 29.12.2023, they effectively utilized the hydrant loop lines during firefighting operations.

2.2.20. He further submitted that apart from the Hose Reel covering all floors of the factory building, the CD had 356 Fire Extinguisher, 9 Water Jet Monitor, etc. to ensure utmost safety in case of a fire. On account of the presence of advanced fire safety equipment, the fire tender successfully contained the fire at Sinnar Plant within four hours, with no casualties. Had the CD failed to comply with legal requirements, the incident could have resulted in multiple casualties, and fire containment efforts would have taken significantly longer.

2.2.21. Further since the CD is undergoing CIRP, any capital expenditure requires approval from the CoC as per the provisions of the Code. He ensured that the necessary sanction for upgrading the fire-fighting equipment was duly obtained and approved from the CoC.

2.2.22. On 29.11.2023, a Safety Audit was conducted by OM Techno Services, to systematically assess potential hazards related to personnel, plant, services, and operational methods of the CD. Regarding the appointment of OM Techno Services, the RP relied on the information provided to him by the management as well as the in-house All India Tech Centre of the

CD. He was informed that the Company had historically engaged the services of Om Tech Services for conducting routine safety audits at its Sinnar Plant. Om Tech Services is duly authorized by DISH, Maharashtra, and is recognized as a “Competent Person” under applicable regulations. The firm’s promoter, Shri G. N. Pawar, is a certified Safety Auditor and Technical Advisor, holding valid credentials and empanelment with DISH. Their engagement was based on their industry reputation, relevant certifications, and empanelment status.

2.2.23. The audit aimed to ensure compliance with legal requirements and the CD’s safety policy. This audit was carried out as part of ongoing efforts to improve safety systems and ensure their effectiveness in meeting the objectives and responsibilities of the Occupier under the Factories Act. The Safety Auditor visited the Sinnar Plant to identify any unsafe conditions or practices within the premises. During the visit, the Auditor carefully reviewed and discussed various safety aspects, including safe operating procedures, fire protection measures, emergency preparedness, and statutory approvals etc. After a detailed analysis of the factory premise, the Safety Auditor in light of statutory and regulatory compliances concluded:

*“The management has undertaken systematic safety study program such as Disaster Preparedness Plan (Emergency Plan), consequence analysis, and the layouts following high design standards. There are adequate safety systems designed to the safety needs of the site, backed by management support, strict administrative control, follow up and records. Internal inspections, training programs. Mock Drills are carried out at regular intervals. It is observed that there is satisfactory system for compliance to the statutory requirements. There is regular follow up system towards the compliance of the statutory requirements and fulfilling occupier’s obligations. In conclusion the audit team finds the safety standard of the installation is GOOD to ensure the safe operations at site. The safety systems have adequate ability to achieve the desired goals.*

In conclusion the Safety Auditor noted as under:

*“In pursuit of continued improvement the systems have adequate ability to achieve the desired goals. The General Duties of the “Occupier” specified at Section 7-A of the Factories Act give different obligations of the occupier. These are being satisfactorily fulfilled.*

*The systems are adequate and with additional thrust on regular inspections and emergency preparedness they are capable of achieving the desired goals. Over all there is commitment of management towards compliance to the statutory requirements is seen and the follow up system is satisfactory.*

*Action on the safety audit report is important. The Audit compliance follow up team should be formed. Suggestions, recommendations made in the text of this report (summarized in executive summary) to be complied. There should be regular review of the implementation of Audit recommendations by top management*

*In conclusion the safety audits objectives are fully met and the audit team finds the safety standard GOOD to ensure the safe operations at site.”*

- 2.2.24. He submitted that the above report was submitted by the CD with DISH along with a proforma showing compliance with the observations of the Safety Auditor and no objection was received from DISH. The Chief Fire Officer and Fire Advisor of MIDC Mumbai carried out a detailed survey (Audit) of the CD and issued a provisional Fire NOC on 24.08.2023 as per Maharashtra Life Saving and Fire Safety Act, 2006. Such NOC is given only once the authority is satisfied about the adequacy of fire-fighting measures in a factory. Thus, issuance of the said NOC shows that, the CD has complied with all the fire and life safety measures adhering to the National Building Code of India, 2016. Given these measures and the reports of third party and the provisional NOC from Chief Fire Officer, no negligence, let alone any misconduct, can be attributed. Even at the highest threshold, any error on the part of officer (if made in good faith and without any corrupt intent does not amount to misconduct).
- 2.2.25. Shri Girish Siriram Juneja further submitted that he was informed by plant officials that the trolley-mounted power-driven pump had been non-functional since the pre-CIRP period, as the CD had already implemented an advanced firefighting system, including a complete fire hydrant loop line with strategically placed hydrant hoses and reels, in line with Fire Department guidelines. The fact is that there remains a critical tension between technological progress and regulatory lag. There have been significant technological advancements with improvements in the fire-fighting equipment's across industry. However, Rule 71 – B(2) of the Maharashtra Factories Rules, 1963 has remain unamended mandating use of power driven trolley mounted pump, potentially making compliance outdated or impractical in modern context. At the time of his appointment, he was not informed of any requirement for a trolley-mounted pump, nor did any of the expert reports or inspections including the annual visits of officials from DISH conducted prior to the incident raise such a requirement. Further, the Annual Safety Audit conducted by a specialized agency approved by DISH did not recommend the installation of such equipment. The need for this equipment was brought to his attention for the first time by DISH only after the fire incident. However, based on the condition of the trolley-mounted pump observed subsequently and the information received from the plant personnel of Sinnar Plant, he understands that the equipment had been non-functional even prior to the commencement of the CIRP of the CD.
- 2.2.26. It is further submitted that on the day of the fire incident, i.e. on 29.12.2023, the plant head, and other officials left Sinnar Plant after office hours. Around 7:50 PM, Shri Baban Karle, shift In-charge observed that molten glass started leaking from Right Side throat area of Furnace No. 12. He immediately informed Shri Hiren Shah, DGM and he observed that a large quantity of molten glass was flowing from the throat area and immediately intimated this matter to the Security Gate, Safety Head, Glass Head, Production Head, Warehouse Head, and Plant Head and in the meantime water jet was being splashed on the leaked glass. The molten glass fell on the electrical cable below the throat area and reached the

transformer, causing a fire at that location. It generated a huge amount of heat and smoke. The amount of glass leakage was quite heavy in a short period of time, which produced unbearable heat in that area. The molten glass, instead of flowing and going down to the water pit which was filled with water below the furnace as a fall-back arrangement, flowed towards the transformer side and also overflowed from the corners of the bund water pit which was filled with water. The heat caused the metal structure to bend causing a section of the second floor to collapse. MIDC Malegaon, Sinnar MIDC fire stations were immediately informed about the fire incident and within a few minutes the fire brigade and their fleet reached the spot and immediately started extinguishing the fire.

2.2.27. Shri Une, the Unit Head as well as all the officers responsible, reached the factory and attended and provided help to extinguish the fire. All employees were evacuated from the plant, no one was injured and there were no casualties. The fire tenderers, after four-five hours of firefighting action, managed to bring down and control the spread of fire. It is imperative to state that all efforts necessary were undertaken to not only control the fire with no casualties having been reported but also efforts have been taken whereby all statutory authorities have been apprised of the incident including the police station at Sinnar. The fire incident was an accident and occurred due to leakage of glass from throat area of the furnace.

2.2.28. Shri Girish Siriram Juneja submitted that following the fire incident, he directed the Group Technical Head, the Tech Centre team, senior members from the Head Office, and representatives of the RP advisors (EY) to visit the Sinnar Plant. On his instructions, the team arrived at the plant on 30.12.2023 and 31.12.2023 and inspected the Sinnar Plant. The team deployed, basis their expertise, recommended immediately engaging the original equipment manufacturers (OEMs) to assess the damage, estimate the reinstatement costs, and determine the root cause of the incident. Mr, Juneja also visited the Plant to assess the situation and speak with various stakeholders at the Plant. Accordingly, from January 2023 to March 2023, various International Technology Partners such as HORN Glass, SORG, Germany EMHART Glass etc., were invited to do an assessment of the incident. In addition to the OEMs, Shri Girish Siriram Juneja engaged Veermata Jijabai Technological Institute (VJTI) and the Institute of Chemical Technology (ICT), both renowned institutions at the forefront of India's engineering, research, and training landscape. VJTI plays a vital role in driving industrial development across the country and significantly contributes to national technological advancements. These institutes were appointed to conduct an independent third party cause analysis of the fire incident as VJTI was found to have all the requisite departmental expertise under one roof and VJTI is in fact one of the most reputed institutions for the purpose of undertaking such assignments/ investigations. Following initial consultations, both VJTI and the Institute of Chemical Technology (ICT), Mumbai, known for their specialisation in chemical and ceramic technologies, were finalised for conducting the RCA. Both institutions are located in Mumbai, which made logistical coordination and communication significantly more efficient.

2.2.29. Further, the CD had previously engaged the services of VJTI, and those services were found

to be satisfactory by the management. As Shri Girish Siriram Juneja is not a technical expert, he relied in good faith on the recommendations provided to him by the management of the CD as well as the concerned professionals and experts. In addition, Reveal Affirm Testify Pvt. Ltd. (RAT), a firm specialising in forensic investigations with a strong track record in fire and arson analysis, was also engaged. RAT offers a full suite of professional forensic consultancy services and is regularly engaged by police departments, courts, government agencies, PSUs, banks, and insurance companies. Given RAT's domain expertise in forensic fire investigations and their accessibility from a logistical and geographical standpoint, they were considered the most suitable agency to carry out the forensic study of the fire incident.

2.2.30. These experts of VJTI visited the Sinnar Plant several times and undertook a thorough review and submitted the Report. The Report *inter alia* notes that:

*"Noted no deviations, observed well managed" [Para 7.1.1.]*

*"Additionally, the furnace was inspected monthly to detect any issues" [Para 7.1.1.]*

*"..employees at the plant are well aware of safety practices and conversant with it"*

*"*

*The company prioritizes on safety with a layered fire protection system including hydrants, hose reels, extinguishers (ABC, BC, CO2, DCP & B types) for various fire types. Detectors (smoke, heat, beam) and manual call points trigger alarms (hooters & panel) for fast response. Sprinkler protects key areas (LPG yard, pump house) and first aid stations (FB points) are at each gate. Emergency alarms and comprehensive grounding systems (earth-rite, pits) add further protection." [Para 7.2.1.]*

*"Also, it is informed that the fire tenders utilized water and hydrant system at plant during the firefighting process at incidence time" [Para 7.2.1.]*

*"This type of training (Mock-Drills) were conducted regularly at HNGIL to enhances employees ability to respond effectively in real-life emergencies" [7.2.2.1]*

*"The company has established practices include safety training sessions, workshops, and campaigns that emphasize the importance of following safety protocols. Such activities help to create a culture of safety within the workplace and encourage proactive risk management. [7.2.2.2]*

*"We have verified the necessary record pertaining to statutory and regulatory requirements, necessary approvals from the respective agencies. HNGIL being one of the largest container glass manufacturers in India and with the records of its available compliances, is getting reflected as compliance-prone company." [Para 7.2.3]*

*"The company has Standard Operating procedure (SOP) in place for preventive and regular maintenance." [Para 7.3] "For the repair of the furnace HNG has utilised external expertise of Fosbel Inc. which is the globally reputed leader in furnace & refractory maintenance and repair for Glass Furnaces. The company has furnished all the details for*

*our review, and it is noted that there is practice of periodic inspection and repair.” [Para 7.3]*

*“Additionally, our team is noted timely maintenance is being performed with the resources available at the plant to the extent it required” [Para 7.3]*

*“Regular maintenance was performed as well as, maintenance of furnace as and when required is also performed”.*

2.2.31. Further, the reports of OEMs were summarized in the VJTI Report, which categorically states that the fire incident was accidental (caused due to leakage of molten glass) and not on account of negligence or misconduct of any party. The report submitted by VJTI observed that the furnace was being monitored, with proper inspections and repairs and that all necessary measures and precautions were taken to ensure that the CD operates with world class safety and operational standards. The VJTI Report dated 08.08.2024 concluded that:

*“Molten glass leakage is an identified risk and known facts in the container glass industry. It is typically possible to control leaked glass flow by managing the temperature at the leakage point with applying water jet and applying compressed air and blowing air. In this case, glass leaked through the upper middle portion of throat area which bear maximum stress concentration due to high static pressure and temperature, pressure is around 44-45 kPa and temperature is around 1300°C. Within a time-frame of 30-40 mins, approximately 400 MT of molten glass leaked, typically it takes 20-22 hours on any normal operation.*

*A very thin splinter might have developed suddenly at any stress concentration point on melter facer which is common phenomena and might the splinter have expanded very quickly.”*

2.2.32. Hence, the Report does not attribute any negligence with respect to maintenance and operation of the Sinnar Plant and highlights that the fire incident was accidental. Further, post the fire incident, Shri Girish Siriram Juneja appointed another third party to conduct a forensic review to investigate the cause of fire, following which the report dated 19.02.2024 from the said third party namely, Reveal, Affirm, Testify Pvt Ltd. (RAT) confirms that the case is not a case of arson and affirms the finding that the fire was due to leakage of molten glass from the throat area of the furnace 12 with utmost certainty in this incident.

2.2.33. On the issue of SCN by DISH, Shri Girish Siriram Juneja submitted that the said SCN was issued on 23.02.2024 after the fire incident at Sinnar Plant on 29.12.2023. Shri Girish Siriram Juneja submitted his reply on 11.03.2024 and 19.03.2024. In connection with the incident, DISH filed a complaint on 28.03.2024 before the Chief Judicial Magistrate, Nashik, seeking registration of an FIR against the Occupier of the factory (not the Resolution Professional), under the provisions of the Factories Act. As of now, the said Complaint remains pending before the CJM, and no action has been initiated against either Respondents in that Complaint. In the said SCN it notes a non-compliance under Rule 71-B (2) of the

Maharashtra Factories Rules, 1963 in as much as “*required installation of adequate power-driven trailer pump of required capacity was not in operational condition at the time of inspection*”. Basis this, the SCN notes that “*The findings of the Deputy Director indicate gross negligence and mismanagement in ensuring adequate fire-fighting equipment and arrangements during the CIRP period under your supervision as RP, as well as non-compliance of the Factories Act, 1948 with the Maharashtra Factories Rules, 1963, applicable to the CD.*”

- 2.2.34. It is submitted that Power-driven trailer pump is a pump needed for purposes of supplying water to the factory in case of fire. The requirement was put in Factories Rules in 1963 and is in fact an [obsolete/dated technology]. The CD has a much advanced and state of art water supply system to fight the fire. The Fire Fighting System in the Sinnar Plant is Ring-Route type system which covers each floor of the factory, which is a much better and advanced technology than a power-driven trailer pump as per the IS Standard and National Building Code, 2016. The said Fire Fighting System has been approved by the MIDC and is installed/certified as per IS: 3844:1989 and IS: 13039:2012. Notably, the Occupational Safety, Health and Working Conditions Code, 2020 (which is an Act to consolidate and amend the laws regulating the occupational safety, health and working conditions of factory workers) does not have any requirement for power-driven trailer pump.
- 2.2.35. As per the records of documents of Chief MIDC Fire Officer, there was no recommendation for installation of trailer pump in premises since it is noticed as obsolete technology. During previous factory inspections conducted by DISH on 26.04.2022 and 11.01.2023, there was no insistence on the absence of a power-driven trailer pump being a violation of Rule 71-B(2) of the Maharashtra Factory Rules, 1963.
- 2.2.36. The CD has already submitted a response to the SCN issued by DISH, informing DISH as to why non-availability of operational power-driven trailer pump does not lead to non-compliance and will be defending its case before the relevant court. Nevertheless, on 16.05.2024 in the spirit of utmost good faith, the CD, despite the existence of differing views among authorities regarding the installation of the trailer pump, ensured compliance with Rule 71-B (2) and notified the DISH accordingly.
- 2.2.37. Shri Girish Siriram Juneja submitted that he has already incurred Rs. 55 lakh to upgrade the fire safety systems at the Sinnar Plant. Had he been made aware of any additional requirement to have a trailer pump (despite advanced fire-fighting system), he would have certainly ensured the proper maintenance of the trailer pump. However, at the time he assumed control of the CD, the trailer pump was not used by the CD and he was informed that given the existing superior and advanced fire safety measures, the trailer pump was outdated and potentially unnecessary. There was no reason why he would have neglected its maintenance if it had been required. Any issue that arose was due to different interpretations of regulations or an unintentional error in judgment, which does not amount to misconduct or gross negligence.

- 2.2.38. On the issue of non-compliance of environmental enactments, Shri Girish Siriram Juneja submitted that the finding that non-compliances during his tenure were “serious in nature” is incorrect. Most of the non-compliances highlighted by MPCB were either not correct (such as the allegation that STP was not operational) or remedial and non-serious (such as allegation with respect to algae formation). While the observations in the SCN acknowledge that he duly responded to MPCB and took corrective actions, it still holds him responsible by noting that there were non-compliances during his tenure.
- 2.2.39. He submitted that the SCN was issued by the MPCB to the CD on 24.07.2023, to which a detailed reply was submitted on 28.07.2023. This was followed by a site inspection conducted by MPCB on 17.08.2023, pursuant to which certain proposed directions were issued to the CD. A reply to these directions was submitted on 16.11.2023. Subsequently, another site visit was conducted by MPCB on 26.12.2023. There was no adverse remark or finding that was given during the site visit.
- 2.2.40. He further submitted that the Complainant has failed to present the complete facts and has not shared the final inspection report submitted by MPCB on 26.12.2023, pertaining to this issue, which clearly establish that no material discrepancies at the Sinnar Plant were pointed out by the MPCB.
- 2.2.41. In the present case, certain non-compliances were noted by MPCB during routine inspection. Many such non-compliances were found to be factually incorrect by the operational team and MPCB was informed accordingly. For other non-compliances (which were non-material/ remedial in nature), corrective measures were duly carried out. Any non-compliance that existed at the time of my appointment as the RP was not a result of any omission his part. Rather, upon being made aware of the observations of the regulatory authorities, he took all possible measures to rectify any deficiencies in accordance with the applicable laws. The fact that corrective measures were taken demonstrates that there was no misconduct or gross negligence or wilful or continued contravention on his part.
- 2.2.42. He further submitted that as a RP, he may not possess entire knowledge of the historical violations/ contraventions committed by the CD at the time of my appointment, nor can he reasonably be expected to rectify every pre-existing non-compliance instantaneously. However, whenever a regulatory concern was brought to his attention, He submitted that he took the necessary steps to address it. The mere existence of past non-compliance does not amount to misconduct on his part, nor does it constitute a violation of the Code.
- 2.2.43. He submitted that misconduct requires an element of deliberate neglect, *mala fide* intent, or continued disregard for the law. In the present case, there is no such element. The ex-post compliance undertaken by him, once he became aware of the issue, only reinforces the fact that he was diligent in his approach and acted in good faith. Holding a RP liable for past non-compliance that was not immediately known to him would set an unreasonable standard that is not contemplated under the Code. It is further reiterated that if IP(s) are personally penalized and suspended for issuance of notices highlighting certain non-compliances by

the companies (which may have continued from before), no IP will agree to act as a RP of a company.

2.2.44. It is submitted that the IBBI, as a regulatory authority under the Code, lacks the requisite expertise and mandates to adjudicate matters concerning compliance with specific safety and environmental norms. The determination of whether CD has adhered to any specific safety or environmental regulation is a mixed question of fact and law, necessitating a detailed factual inquiry, evidentiary assessment, and expert analysis matters that fall beyond the scope of IBBI’s regulatory role. Moreover, assessing misconduct requires a higher adjudicatory authority, and disciplinary proceedings on such grounds cannot proceed without first undertaking a thorough evaluation of the relevant facts and legal principles by the appropriate forums. Accordingly, he respectfully submit that the issuance of SCN is unsustainable and must be set aside at this stage. The RP assures that he has acted in-line with the law and have been conducting the CIRP of the CD in accordance with the Code and the underlying Regulations.

### 2.3. Analysis and Findings of the DC.

2.3.1. The DC notes that the SCN alleges Shri Girish Sriram Juneja of misconduct, negligence, mismanagement, failure to preserve and protect the assets of the CD and ensure compliance with other laws applicable to the CD. The DC further notes that the allegations raised in the SCN are primarily founded upon the following proceedings, the current status of which is set out in the table below:

A. The first issue pertains to the fire incident at the Sinnar Plant of the CD on 29.12.2023. Consequent to the fire incident, following judicial proceedings were started against the Shri Girish Sriram Juneja being RP of the CD.

S. No.	Proceeding	Forum	Nature of Allegation	Current Status
1	Complaint registered as S.C.C. No. 1293/2024 filed by Deputy Director of Industrial Safety and Health (DISH) dated 28.03.2024 (Part of SCN as well)	Chief Judicial Magistrate, Nashik	Non-compliance of Rule 71-B(2) of Maharashtra Factories Rules, 1963 for not providing power driven trailer pump with adequate capacity in the factory premises.	Last listed on 08.05.2026.  Next date of hearing is fixed as 03.08.2026 where nature is business is stated as ‘awaiting summons’.

2.	FIR registered in Crime No. 506 of 2024 pursuant to order dated 19.10.2024, on application of Shri Manoj Chandrakant Wadhavane (an employee of CD)	MIDC Sinnar Police Station	Alleged negligence in connection with fire incident at Sinnar Plant.	An FIR has been registered against Mr. Girish Siriram Juneja and the investigation is ongoing.  The bail was denied by District Court on 21.12.2024. Later the Hon'ble Bombay High Court granted him protection from arrest on 24.12.2024 which is extended from time to time. The last date of listing was 10.06.2026 wherein interim relief was continued and matter was posted to 29.06.2026
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B. The second issue involves the observations made by the MPCB regarding environmental non-compliances during the CIRP period.

S. No.	Proceeding	Forum	Nature of Allegation	Current Status
1.	Show Cause Notice dated 24.07.2023	Maharashtra Pollution Control Board (MPCB)	Non-compliance of various environmental enactments such as Water Act 1974, Air Act 1981, and Hazardous Waste Rules, 2016 at Sinnar Plant	Based on submission made by Shri Girish Siriram Juneja, the DC notes that he submitted a reply to MPCB on 28.07.2023. This was followed by a site inspection on 17.08.2023, after which certain directions were issued to the CD. A reply to these directions was submitted on 16.11.2023. Subsequently, another site visit was conducted by MPCB on 26.12.2023. There is no further

				update available on record.
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2.3.2. The DC observes that SCN issued by the Board to Shri Girish Siriram Juneja is based upon the proceedings set out as above. The SCN draws upon the complaint filed by DISH before the CJM Nashik, the *prima facie* observations made by the ASJ in the order dated 21.12.2024, and the SCN issued by the MPCB, for its *prima facie* findings of misconduct due to negligence in preserving and protecting assets of the CD and non-compliance with laws applicable to the CD.

2.3.3. The DC notes that the criminal complaint, FIR and a show cause notice, which are underlying basis for issuance of the SCN by the Board, are pending for final adjudication before respective forums. In this regard, there is settled position in law that simply filing of a criminal complaint/FIR or issuance of a SCN by MPCB does not, by itself, establish that an offence has been committed and the pendency of such FIR or SCN alone may not be a ground to initiate some other proceeding on the same set of facts.

### 3. Order.

3.1 The DC is, therefore, of the view that it would be premature to take a definitive view with regard to role of Shri Girish Siriram Juneja in respect of the alleged contravention in terms of his role in taking adequate measures for the fire safety and to comply with the requirement of the Pollution Control Board, when matter in respect of both the allegations are pending before other forums for adjudication. The SCN issued by the Board is primarily founded upon the complaint pending before the CJM, Nashik, the FIR registered at MIDC Sinnar Police Station, and the Show Cause Notice issued by the MPCB, all of which remain pending for adjudication before their respective forums and based on the information available on record, these respective forums are yet to conclude the proceedings.

3.2 In the above background, the DC, in exercise of the powers conferred under Section 220(2) of the Code read with Regulation 13 of the IBBI (Inspection and Investigation) Regulations, 2017 disposes of the SCN with the direction to Shri Girish Siriram Juneja to keep the Board regularly informed of all material developments in the above proceedings. Based on the subsequent development and outcomes in these matters, the Board shall be at liberty to examine the matter afresh and take necessary action as deemed fit as per the extant provisions of the Code and Regulations made thereunder.

3.3 This order will come into effect immediately in view of para 3.2 of the order.

3.4 A copy of this order shall be forwarded to Indian Institute of Insolvency Professionals of ICAI (IIPI) where Shri Girish Siriram Juneja is enrolled as a member.

3.5 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.

3.6 Accordingly, the show cause notice is disposed of.

Dated: 15 June 2026

Place: New Delhi

Sd/-

**(Dr. Bhushan Kumar Sinha)**

Whole Time Member

Insolvency and Bankruptcy Board of India