

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Contempt Petition No. 09 of 2017

IN

Company Appeal (AT) (Insolvency) No. 52 of 2017

IN THE MATTER OF:

M/s. Kaliber Associates Pvt. Ltd. ...Appellant/Contemnor(s)

Vs.

Tripat Kaur ...Respondent/Applicant

Present: For Appellant:-

For Respondent/Applicant:- Mr. R.K. Gupta, Advocate

ORDER

09.08.2017- Ld. Counsel for the Applicant is allowed to file a Contempt Petition under section 425 of the Companies Act, 2013 in proper format, impleading the Contemnor(s) – Respondent(s) by name. Such application be filed by day after tomorrow i.e 11th August, 2017.

Ld. Counsel for the Applicant/Respondent referred to order dated 26th May, 2017 passed by this Appellate Tribunal in Company Appeal (AT) (Insol.) No.52 of 2017. In the said case, the application preferred by M/s. Kaliber Associates Pvt. Ltd against the order dated 26th April, 2017 passed by the Ld. Adjudicating Authority, (National Company Law Tribunal) New Delhi in Company Petition No.(IB)-51(ND)/2017, was set aside on the ground that Rules of natural justice was not followed while the application under Section 7 of the Insolvency and Bankruptcy Code, 2016 was admitted.

In that case, after the order was dictated the Ld. Counsel appearing on behalf of the said Corporate Debtor- M/s. Kaliber Associates Pvt. Ltd stated that they handed over two account payees cheque issued in the name of firm M/s. Gallerie Nvyu, post-dated 4th June, 2017, one for Rs.1 crore and another for Rs.10,80,000/- drawn on Union Bank of India to Ld. Counsel for the respondent/applicant herein as full and final payment of debt with interest for onward transmission to the financial creditor. The relevant portion of the order read as follows:-

“ After the order was dictated the learned counsel appearing on behalf of the appellant handed over two account payees cheque issued in the name of firm M/s M/s Gallerie Nvyu, posted dated 4th June, 2017, one for Rs.1 crore and another for Rs.10,80,000/- drawn on Union Bank of India to Learned counsel for the respondent as full and final payment of debt with interest for onward transmission to the financial creditor.

The appeal stands disposed of with the aforesaid observations.

The Adjudicating Authority will fix the fee of Interim Resolution Professional and the financial creditor will pay the fees of the Interim Resolution Professional for the period he has worked.”

It is informed that both the post-dated cheques were presented before the Banks, but both of them have bounced.

In the circumstances, we order to issue a notice on the contemnor(s) – respondent(s), as to why the contempt proceedings be not initiated for misleading this Appellate Tribunal by not paying the dues to the appellant?

As ordered above, let the Contempt Petition be filed in proper format by 11th August, 2017. Requisites along with process fee, if not filed, be filed by 16th August, 2017. If the applicant provides e-mail address of the Contemnor(s) – Respondent(s), let notice also be issued through e-mail.

Post the matter on 7th September, 2017..

(Justice S.J. Mukhopadhaya)
Chairperson

(Mr. Balvinder Singh)
Member(Technical)