

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Contempt Case (AT) No. 09 of 2018
IN
Company Appeal (AT) (Insolvency) No. 164 of 2018

IN THE MATTER OF:

Lalit Mishra & Ors.

...Petitioners

Versus

Sharon Bio Medicine Ltd. & Ors.

...Respondents

Present:

For Petitioners : Mr. Kunal Godhwani, Advocate

For 3rd Respondent : Mr. Ankur Kashyap, Advocate

For 5th Respondent : Mr. Rajendra Beniwal, Advocate

O R D E R

12.11.2018 Learned counsel for the applicants/petitioners is directed to correct the cause-title by mentioning '*Lalit Mishra & Ors.*' as '*petitioners*' in the cover page and other pages.

The contempt petition has been filed by the Directors of the 'Corporate Debtor' alleging violation of the order dated 27th April, 2018 passed by this Appellate Tribunal in '*Company Appeal (AT)(Ins.) No. 164 of 2018*' whereby and whereunder the order of '*status quo*' was passed. The main grievance of the petitioners is that the 'Monitoring Agency' appointed the 'CEO' in spite of order of '*status quo*' passed by us. Learned counsel appearing on behalf of the 'successful resolution applicant' submits that the 'CEO' was appointed much prior to the order of the '*status quo*' but such submission is countered by the learned counsel for the petitioners.

In the present case, we find that the 'resolution plan' was approved by the Adjudicating Authority under Section 31 of the I&B Code, the petitioners who were shareholders and ex-Directors have challenged the same in the appeal, which is pending. In the said case order of '*status quo*' has been passed. Even if it is accepted that 'CEO' was appointed after the order of '*status quo*' passed on 27th April, 2018, as the 'Corporate Debtor' (Company) cannot be run by the ex-Director in the meantime and in view of order of '*status quo*' as the 'successful Resolution Applicant' cannot take over the company, it was open to the 'Monitoring Agency' to engage a 'CEO' to ensure that the company remains on-going even during the pendency of the appeal. We find no reason to interfere with such order nor it can be held to be in violation of order dated 27th April, 2018.

In absence of any merit, the Contempt Petition is dismissed. No cost.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

/ns/uk/