

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Contempt Case (AT) No.34 of 2020
in
Company Appeal (AT) (Ins) No.48 of 2020

IN THE MATTER OF:

B. Santosh Babu

...Applicant

Versus

Committee of Creditors
M/s Smartec Build Systems Pvt. Ltd.
Represented by Bank of Baroda

...Respondent

For Applicant: Ms. Ateepriya Bhatia, Advocate
Shri B. Santosh Babu (in person)

For Respondent: None

O R D E R
(Virtual Mode)

14.12.2020 Heard Counsel for the Applicant. She submits that the Adjudicating Authority (National Company Law Tribunal, Hyderabad Bench) had passed Orders in IA No.479 of 2019 and IA No.540 of 2019 in CP(IB) No.620/9/HDB/2018 and inter alia directed payment of fees of IRP by the COC. Copy of the Order is Annexure – II. COC filed Company Appeal (AT) (Ins) No.48 of 2020 before this Tribunal which came to be dismissed with costs of Rs.1 Lakh, as per copy of Order as at Page - 23.

Counsel for Applicant states that the fees of IRP has not been paid and the costs have also not been paid. She submits that thus this Application is filed for action of Contempt under Section 425 of the Companies Act, 2013.

As the Order which is stated to have been violated is of the Adjudicating Authority which was not disturbed by this Tribunal (after making some submissions), the learned Counsel for Applicant states, on instructions, that she may be permitted to withdraw this Contempt Case with liberty to move

the Adjudicating Authority for the same relief of action of Contempt against the COC.

Perused Section 5(1) of Insolvency and Bankruptcy Code, 2016 read with Section 425 of The Companies Act, 2013.

The Contempt Case is permitted to be withdrawn with liberty to move the Adjudicating Authority for the relief sought of action of Contempt against the COC. When such Application is moved, the Adjudicating Authority will take its own decision with regard to the action to be taken.

With these observations, the Contempt Case is disposed.

[Justice A.I.S. Cheema]
Member (Judicial)

[Dr. Alok Srivastava]
Member (Technical)

rs/md