

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Ins) No. 154 of 2020

IN THE MATTER OF:

Akshay Bhansali & Anr.

....Appellants

Vs.

Amit Gupta

....Respondent

Present:

For Appellants: Mr. Bharat Sood and Mr. P.S. Sudheer, Advocates

For Respondent: Ms. Mahima Singh, Advocate

ORDER

27.01.2020: Heard Learned Counsel for the Appellant for a while. It appears that the order passed by the Adjudicating Authority (National Company Law Tribunal), Mumbai bench on 06.11.2019 allowing the suspended Board of Directors to make good the amounts they have withdrawn from the company during the continuation of the Corporate Insolvency Resolution Process has been breached, which persisted till the passing of the Impugned Order.

2. In the given circumstances, the Adjudicating Authority justifiably considering it as a serious irregularity on the part of the suspended Board of Directors and observing that this amounted to misappropriation of fund, directed the liquidator to approach the concerned police station for lodging an FIR. It is not the appellant's case that the order dated 06.11.2019 referred to hereinabove has been complied with and the breach does not persist. Apart from it being a case of contumacious conduct warranting initiation of contempt against the appellant, the Adjudicating Authority was within its province to direct the liquidator to set the criminal justice machinery in motion by lodging an FIR with the concerned police station.

3. We find no reason to intervene. We are confident that the appeal is frivolous designed to further delay the compliance of the aforesaid order. We deprecate such conduct, however, we do not intend to impose any cost. The appeal is accordingly dismissed.

[Justice Bansi Lal Bhat]
Member (Judicial)

[V. P. Singh]
Member (Technical)

[Shreesha Merla]
Member (Technical)

sa/gc