

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Contempt Case No. 10 of 2021

IN

Company Appeal (AT) (Insolvency) No. 79 of 2021

IN THE MATTER OF:

Darshan Gandhi

...Applicant

Versus

Hemant Mehta & Anr.

...Contemnors

Present: -

For Appellant: Mr. Krishnendu Datta, Sr. Advocate with Mr. Utsav Mukherjee and Mr. Rajendra Mishra, Advocates.

For Respondent: Ms. Anjali Sharma, Advocate for Contemnors No. 1.

WITH

Company Appeal (AT) (Insolvency) No. 79 of 2021

IN THE MATTER OF:

Darshan Gandhi

...Appellant

Versus

Hemant Mehta & Anr.

.... Respondents

Present: -

For Appellant: Mr. Krishnendu Datta, Sr. Advocate with Mr. Utsav Mukherjee and Mr. Rajendra Mishra, Advocates.

For Respondent: Mr. Hemant J Mehta, Advocate for (IRP) R-2.

Mr. Dhruv Mehta, Sr. Advocate

Ms. Ichha Kalash and Mr. Parth D Tandon, Advocates for SBI.

Mr. P.B.A. Srinivasan, Mr. Abhijeet Sinha, Ms. Anjali Sharma, Advocates.

Mr. Aditya Sukla and Mr. Divyang Chandira Mani, Advocates.

Mr. Devrajan Raman (AR for Home Buyers)

WITH

Company Appeal (AT) (Insolvency) No. 644 of 2019

&

I.A. No. 2106 of 2019

IN THE MATTER OF:

**Darshan Gandhi, Ex-Director,
Lok Housing & Constructions Ltd.**

...Appellant

Versus

USV Pvt. Ltd. & Anr.

.... Respondents

Present: -

For Appellant: Mr. Krishnendu Datta, Sr. Advocate with Mr. Utsav Mukherjee and Mr. Rajendra Mishra, Advocates.

For Respondent: Mr. Dhruv Mehta, Sr. Advocate.

Mr. Hemant J Mehta, Advocate for R-2 (IRP).

Mr. P.B.A. Srinivasan, Advocate

Mr. Avinash Mohapatra, Advocate

Mr. Parth D Tandon, Advocate for SBI.

Mr. Rajendra Mishra, Advocate (Intervenor).

Mr. Abhijeet Sinha, Mr. Divyang Chandiramani and Mr. Himanshu Satija, Advocates for Intervenors.

Ms. Ichchha Kalash, Advocate for (SBI).

Mr. Devrajan Raman (AR for Home Buyers).

Ms. Anjali Sharma and Mr. Aditya Sukla, Advocates.

ORDER
(Virtual Mode)

09.04.2021 Heard Learned Counsel for the Applicant in Contempt Case No. 10 of 2021 Darshan Gandhi, Ex. Director, Lok Housing and Constructions Ltd. who have filed this Contempt Case alleging therein that the order of status quo passed by this Appellate Tribunal in Company Appeal (AT) (Insolvency) No. 79 of 2021 with Company Appeal (AT) (Insolvency) No. 644 of 2019 & I.A. No. 2106 of 2019, the order dated 12.02.2021 wherein para 7 it is mentioned that status quo as on today i.e. 12.02.2021 prevailing in the matter to be maintained but this order has been violated. Hence this Contempt Case.

2. Ms. Anjali Sharma, Advocate waived and accepted notice on behalf of Respondent No. 1 / RP therefore, no formal notice be required to be given. She is directed to file Reply Affidavit within two weeks.

3. Issue notice on Respondent No. 2 in Contempt Case No. 10 of 2021 through Speed Post as well as email. Requisites along with process fee be filed

latest by Tuesday. The Applicant to provide email address of the Respondent No. 2.

4. Respondent No. 2 is directed to file Reply Affidavit within two weeks.

5. In Company Appeal (AT) (Insolvency) No. 79 of 2021 with Company Appeal (AT) (Insolvency) No. 644 of 2019 & I.A. No. 2106 of 2019, from the perusal of the orders dated 16.03.2021 passed in these matters, it appears that I.A. No. 2106 of 2019 has been filed on behalf of the State Bank of India to implead the necessary party in Company Appeal (AT) (Insolvency) No. 644 of 2019.

6. Learned Counsel for the State Bank of India is present.

7. Learned Counsel for the Respondent No. 2 / Corporate Debtor submits that he has filed I.A. No. 4316 of 2019 on 17.12.2019.

8. Mr. Rajendra Mishra, Advocate submits that he has filed I.A. No. 2609 of 2019 on 22.08.2019 which is taken on record.

9. I.A. No. 2614 of 2019 seeking impleadment as a party, which is also taken on record.

10. Learned Counsel for the Appellant submits that he has only filed Reply Affidavit in I.A. No. 2106 of 2019 and further prays some time to file Reply Affidavits in remaining three I.As. By way of last chance, two weeks' time is granted to file the same.

11. Learned Counsel for the Respondent No. 1 in Company Appeal (AT)

(Insolvency) No. 79 of 2021 submits that he has filed the Reply Affidavit on 24.03.2021 which also taken on record. Rejoinder, if any, may be filed within two weeks.

12. Parties are at liberty in these Appeals to file Hard Copy of Written Submissions not exceeding three pages along with relevant case laws which they rely on, within two weeks.

13. Before next date, Registry is directed to give specific note whether Replies in all four I.As namely I.A. No. 2106 of 2019, I.A. No. 2609 of 2019, I.A. No. 2614 of 2019 and I.A. No. 4316 of 2019 have been filed or not.

14. Interim Order to continue till next date.

15. List these Appeals along with Contempt Case No. 10 of 2021 'For Hearing' on **12th May, 2021**.

[Justice Anant Bijay Singh]
Member (Judicial)

[Ms. Shreesha Merla]
Member (Technical)

R. N./ nn./