

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL**

**PRINCIPAL BENCH**

**NEW DELHI**

**CONTEMPT CASE (AT) NO.03 OF 2020**

**IN**

**COMPANY APPEAL (AT) (INSOLVENCY) NO.104 OF 2019**

**In the matter of:**

Prerna Singh

Applicant

Vs

Committee of Creditors of  
Xalta Food and Beverages Pvt Ltd & Ors

Respondent

**Present:**

Mr. Kshitij Sharda, Advocate for applicant.

**ORDER**

**09.04.2021:** Applicant, Prerna Singh, has filed the instant application seeking initiation of contempt proceedings against the Members of the Committee of Creditors and Resolution Professional of M/s Xalta Food and Beverages Pvt Ltd for wilful and deliberate disobedience of order dated 31.01.2019 passed by this Appellate Tribunal in Company Appeal (AT) (Insolvency) No.104/2019 and for recovery of arrears of rent dues.

Mr Kshitij Sharda, learned counsel for the applicant has invited our attention to the above referred order, Annexure A-1, to the application, perusal whereof reveals that this Appellate Tribunal while disposing of the appeal directed the appellant (Respondent herein) to pay rent with effect from 01.12.2018 and onwards i.e. upto the date of moratorium. A schedule has been fixed in terms whereof rent of December, 2018 was to be paid by 15<sup>th</sup> February, 2019 and rent for the month of January, 2019 was directed to be

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paid by 28<sup>th</sup> February, 2019 and thereafter rent for each month was directed to be paid by 15<sup>th</sup> of next month. We are told that the Respondent herein has been defying the directions contained in the order and the alleged contemnor (Committee of Creditors) had wilfully and deliberately violated the same by evading payment of rent. Arrears of rent to the tune of Rs.7,55, 00,000/- are stated to be outstanding in utter disregard of directions of this Appellate Tribunal constituting gross Contempt of Court.

Issue notice upon Committee of Creditors of M/s Xalta Food and Beverages Pvt Ltd through the Resolution Professional of Corporate Debtor, M/s Xalta Food and Beverages Pvt Ltd to clear the outstanding rent dues of the applicant within two weeks from today failing which the Respondents will show cause why contempt proceedings be not initiated against them. Notice be served through any mode including electronic mode.

Applicant may provide necessary particulars of Respondents within two days.

List the matter on **30<sup>th</sup> April, 2021.**

**(Justice Bansi Lal Bhat)**  
**Acting Chairperson**

**(Dr. Ashok Kumar Mishra)**  
**Member (Technical)**

**Bm/gc**