

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Contempt Case (AT) No. 30 of 2020 in
Company Appeal (AT) (Ins) No. 1259 of 2019

IN THE MATTER OF:

Loyal Scaffolding Pvt. Ltd.

....Petitioner

Vs.

Goyala Infra Projects Pvt. Ltd. & Ors.

....Respondents

Present:

For Applicant: Mr. O.P. Pahuja, Advocate and
Mr. Suresh Bharti, Petitioner

For Respondents: Ms. Bhavya Nihalani, Advocate for R- 1 to 3.

ORDER
(Virtual Mode)

26.03.2021: Heard Advocate Mr. O.P. Pahuja for the
Petitioner/Applicant. Heard Advocate Ms. Bhavya Nihalani for Respondent
Nos. 1 to 3. It is stated that against admission for application under
Section 9 of Insolvency & Bankruptcy Code, the Respondent No. 2 had filed
Company Appeal (AT) (Ins.) No. 1259 of 2019 in which the settlement was
arrived and the Impugned Order was set aside. In view of 'Terms of
Settlement, it is stated that Respondent have not honoured the settlement
and payments concerned have not been made.

It is stated that the parties have filed their replies and 'Written
Submissions'. The Applicant filed the 'Written Submissions' but 'Written
Submissions' of the Respondents are not on record. The Respondents may
file short written submissions as directed earlier within a week.

Heard both side Counsel. We are yet to take a view. Before hearing the contempt case, the Respondents are directed to show cause why, in case if it is found that they have not honoured the 'Terms of Settlement', apart from action of contempt, say why the order dated 03.01.2020 passed by this Appellate forum should not be recalled and as to why the application under Section 9 should not be restored. The Respondents need to show cause on this count also. The Respondents to file Reply to this show cause issued, within two weeks.

We make it clear that this may not be taken as if we have formed any opinion as such at this stage.

List the contempt case on **03rd May, 2021**.

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

[Dr. Alok Srivastava]
Member (Technical)

sa/md