

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**

**I.A. No. 1043 of 2020**

**in**

**Company Appeal (AT) No. 148 of 2018**

**IN THE MATTER OF:**

**Assam Chemical & Pharmaceutical Pvt. Ltd. & Anr.**

**...Appellants.**

**Versus**

**Shri Deba Kumar Hazarika & Ors.**

**...Respondents.**

**Present:**

**For Appellant: Mr. Rajan Raj, Ms. Shikha Thakur and  
Mr. Hriday Kochhar, Advocates.**

**Mr. Abhay K. Das (Ex-Administrator, Applicant)**

**For Respondent: Mr. Akhilesh Shrivastava and**

**CS Suhita Mukhopadhyay, Advocates for R-1-R-17.**

**ORDER**  
**(Virtual Mode)**

**29.01.2021** Heard Learned Counsel for the Applicant. The Learned Counsel submits that the Applicant was appointed Administrator in *Company Appeal (AT) (No.) 148 of 2018* and in discharge of duties, he performed the necessary acts and the Board of Directors was reconstituted and the charge of the Administrator was handed over to the Board of Directors on 28.11.2019. Counsel refers to Page 13 of the Application. It is stated that the Respondent Nos. 1 and 2 of the Appeal have filed Criminal Complaint against the Applicant before Chief Judicial Magistrate(CJM), Kamrup (M) at Guwahati. Learned Counsel states that the acts performed by the Applicant are protected under the Act and thus this Tribunal should interfere.

2. Earlier, there was another Application i.e. I.A. No. 3348 of 2019 which was filed by Shri Deba Kumar Hazarika (Original Respondent No. 1 in Appeal) with

others on 25<sup>th</sup> September, 2019 which was not entertained by us considering that the Impugned Judgment of this Tribunal was already in challenge before the Hon'ble Supreme Court of India.

3. Such order was passed by us on 25<sup>th</sup> October, 2019.

4. Apart from the above development, it appears to us that if the Applicant is seeking protection under the Law, the appropriate forum would be the Court of CJM where it is stated that complaint has been filed. We have no doubts that the concerned Court of CJM would consider the law and facts appropriately and apply the same.

As such, we do not entertain the present I.A. No. 1043 of 2020. The same is disposed of.

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

**[Mr. V.P. Singh]**  
**Member (Technical)**

Basant B./md.