

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 945 of 2020

In the matter of:

Shailendra Singh

....Appellant

Vs.

Nisha Malpani

....Respondent

Present:

Appellant: Mr. Shailendra Singh, Mr. Abhishek Parmar and Mr. Sandeep S Tiwari, Advocates.

ORDER

(Through Virtual Mode)

03.11.2020: The issue raised in this appeal is that the Adjudicating Authority (National Company Law Tribunal), New Delhi, Principal Bench, in terms of the impugned order, dismissed the Contempt Application filed by the Appellant holding that the 'I&B Code' does not provide for exercise of such power by the Adjudicating Authority.

Mr. Sandeep S. Tiwari, Advocate representing the Appellant submits that the impugned order has been passed without application of mind qua judicial review and overlooking the provisions engrafted in Section 425 of the Companies Act, 2013 as the NCLT itself is a creation of Companies Act, 2013.

Issue notice upon Respondent. Appellant to provide mobile Nos./ e-mail address of the Respondent. Notice be issued through e-mail or any other available mode. Requisites along with process fee be filed within three days.

Having regard to the issue raised in this appeal which essentially encompasses a pure question of law, we are of the opinion that it would be

Contd/-.....

appropriate to array IBBI as party Respondent No.2. We order accordingly. The Appellant may carry out necessary amendment in the memo of appeal within three days and on such amendment/ addition being affected notice be issued to Respondent No.2 in the aforesaid manner.

List the appeal on 10th December, 2020.

**[Justice Bansi Lal Bhat]
Acting Chairperson**

**[Justice Jarat Kumar Jain]
Member (Judicial)**

**[Kanthi Narahari]
Member (Technical)**

AR/g