

National Company Law Appellate Tribunal,

New Delhi

Contempt Case(AT) No. 25 of 2020

In

Company Appeal (AT) (Ins) No.279of 2020

IN THE MATTER OF:

MadhuKhandelwal & Anr.

...Applicants

Vs.

Sartaj Ali & Ors.

... Respondents/Contemnors

Present:

For Applicants:

Mr. AnjumanTripathy, Advocate.

For Respondents/Contemnors:

Mr. Vinod Chaurasia, Advcoate.

ORDER

(Through Virtual Mode)

08.10.2020: Learned Counsel for the Respondents/Contemnors submits that he has filed the Reply in Contempt Case which is taken on record. The Learned Counsel for the Applicants submits that at the instance of Applicants Madhu Khandelwal and Ishwar Khandelwal, Adjudicating Authority initiated the 'Corporate Insolvency Resolution Process' against the Respondents vide order dated 07.02.2020 against that order Respondent No. 1 Sartaj Ali filed Company Appeal (AT) (Ins) No. 279 of 2020 during the pendency of Appeal before this Tribunal the parties have reached the settlement. As per terms of the settlement this Appellate Tribunal vide order dated 17.02.2020 allowed the Appeal.

Learned Counsel for the Applicant submits that as per the Settlement the Respondents has to pay Operational debt as per schedule in instalments. However, at the request of Respondents the Applicant has extended the Schedule of Payment due to Lockdown. Even, in extended period the Respondents have not paid the entire amount. Hence, Contempt Proceedings be initiated against the Respondents and also revive the 'Corporate Insolvency Resolution Process' against the Company i.e. 'Corporate Debtor'.

Learned Counsel for the Respondent submits that the Applicant Company is a Construction Company and due to Covid -19 Pandemic there was complete lockdown in the country and as a result all the Construction project of the Company were stalled due to non - availability of labour, material and financial support. However, the Respondents have already paid the substantial amount Rs. 36,59,315/- and as on date only balance amount outstanding is Rs. 23,18,632/-. It is prayed that Respondent Company may be given ,further, six months time to pay balance outstanding dues in six equal monthly instalments.

Learned Counsel for the Parties have requested that the matter be taken up after sometime. So they may able to take the necessary instruction from their clients in this regard.

After sometime when the matter was again taken up, Learned Counsel for the parties informed that the Applicant agreed to extend the further two months time to Respondents for payment of balance

amount in four instalments with 6 % interest. The terms agreed between the parties are as under:-

1 st Instalment Payable on	24.10.2020	Rs. 5,79,658/-
2 nd Instalment Payable on	09.11.2020	Rs. 5,79,658/-
3 rd Instalment Payable on	24.11.2020	Rs. 5,79,658/-
4 th Instalment Payable on	10.12.2020	Rs. 5,79,658/-

The Respondents shall pay interest @ 6% per annum calculated on balance amount with effect from 08.09.2020 (the date when this tribunal took cognizance) and the interest will be payable with the Principal Amount on aforesaid dates. The Respondents shall pay the amount by way of demand draft/pay order. In case Respondents fails to pay any of the instalments on due date, it will be open to the Applicant to move petition for initiation of Contempt of the Promoters/ Directors and Officers of the 'Corporate Debtor' and revival of the Corporate Insolvency Resolution Process.

Let the Application fixed on **09.11.2020** for further orders.

[Justice Jarat Kumar Jain]
Member (Judicial)

[Balvinder Singh]
Member (Technical)

sr/kam