

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Contempt Case (AT) No. 18 of 2020

in

Company Appeal (AT) (Insolvency) No. 1155 of 2019

IN THE MATTER OF:

Ashutosh Jain

...Appellant

Versus

Morpheus Developers Pvt. Ltd. & Ors.

...Contemnors

Present:

For Appellant: Mr. Vibhor Garg and Ms. Nikita, Advocates.

**For Respondent: Mr. Mohit Nandwani and
Mr. Sandeep Kumar Bhatt (RP), For R-4.**

WITH

Contempt Case (AT) No. 26 of 2020

in

Company Appeal (AT) (Insolvency) No. 1155 of 2019

IN THE MATTER OF:

Sandeep Kumar Bhatt

...Appellant

Versus

Morpheus Developers Pvt. Ltd. & Ors.

...Contemnors

Present:

**For Appellant: Mr. Mohit Nandwani and
Mr. Sandeep Kumar Bhatt, RP, in person)**

For Respondent: None.

O R D E R
(Virtual Mode)

08.02.2021

1. Learned Counsel for the Applicants submit that they have completed service on Respondents 1 to 3 by E-mail. It is stated that E-mails have not bounced. None present for Respondent Nos. 1 to 3. Learned Counsel for the

Applicants request that the Respondent Nos. 1 to 3 may be punished for contempt as they have not complied with the orders of this Tribunal.

2. Learned Counsel for the Applicant submits that in this matter Application under Section 7 was admitted on 12th February, 2019 (Annexure 2, Contempt Case (AT) No. 26 of 2020. Against that, the Appeal Company Appeal (AT) (Insolvency) No. 211 of 2019 was filed (Annexure -3, Page 31) which was disposed in view of the settlement as noticed in Paragraphs 9 and 10 of the Orders passed by this Tribunal dated 04th June, 2019. Thereafter, the Adjudicating Authority passed orders with regard to the payment of fees to IRP/RP (Annexure 4). There were orders with regard to payment of 'CIRP' costs also. It is stated that only part amounts have been paid to RP and nothing has been paid to IRP and hence the present Contempt Cases have been filed

3. Perused record. Issue Notice of Contempt to the Respondent Nos. 1 to 3 in both the Contempt Cases. These Respondents should file Reply as to why they should not be proceeded against for Contempt of Orders of this Tribunal read with the Orders of the Adjudicating Authority. Respondent Nos. 1 and 2 may say why the Orders passed by this Tribunal accepting settlement may not be recalled, and also say why the 'CIRP' may not be restored. The Learned Counsel for the Applicants are directed to ensure service of copy of this Order as Notice to Respondent Nos. 1 to 3. Respondent Nos. 1 to 3 are directed to appear through counsel on next date. In default, their appearance may have to enforced.

4. The Applicants will ensure service of these Orders on Respondent Nos 1 to 3 and file proof of service. Service of this Order giving Notice may be effected by Speed-Post, Registered Post A.D and Dasti/By Hand.

List both the Contempt Cases on **16th March, 2021**.

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

[V.P. Singh]
Member (Technical)

Basant B./md/