

**IN THE NATIONAL COMPANY LAW TRIBUNAL
BENGALURU BENCH**

I.A. No.339 of 2020 in
C.P. No.185/BB/2019
U/s 425 of Companies Act, 2013
R/w Sections 2 and 12 of
Contempt of Courts Act, 1971

Between:

Bindesh Dutt

W/o. Late Mr. Yogesh Dutt
R/a # 303, Ashoka Enclave,
No.12, Netaji Road, Fraser Town,
Bengaluru – 560 005.

- Applicant/Petitioner

And

Impact Safety Glassworks Pvt. Ltd.

Regd. Off: 23, Old Madras Road,
Avalahalli,
Bengaluru – 560 049. & 3 Ors.

- Respondents

Date of Order: 03rd March, 2021

Coram: 1. Hon'ble Shri Rajeswara Rao Vittanala, Member (Judicial)
2. Hon'ble Shri Ashutosh Chandra, Member (Technical)

Parties/Counsels Present:

For the Applicant : Shri S. Vivekananda, Advocate

For the Respondents : Shri Uday Shankar, Advocate

ORDER

Per: Rajeswara Rao Vittanala, Member (J)

1. I.A. No.339 of 2020 in C.P. No.185/BB/2019 is filed by Mrs. Bindesh Dutt (hereinafter referred to as 'Applicant/Petitioner') under Section 425 of the Companies Act, 2013 read with Section 2 and Section 12 of the Contempt of Courts Act, 1971, by *inter alia* seeking to issue notice of contempt to the Respondents and appropriately prosecute and punish the Respondents in accordance with the provisions of the

Contempt of Courts Act, 1971 for disobeying and breaching the Interim Order dated 08.11.2019 passed in CP No.185/ BB/2019, etc.

2. Heard Shri S. Vivekananda, learned Counsel for the Applicant/Petitioner, and Shri Uday Shankar, learned Counsel for the Respondents. We have carefully perused the pleadings of the Parties and extant provisions of the Companies Act, 2013 and Contempt of Courts Act, 1971.
3. Shri S. Vivekananda, learned Counsel for the Applicant, has inter alia submits that the interim order passed still not fully complied with.
4. Shri Uday Shankar, learned Counsel for the Respondents, has filed a Memo for Compliance dated 01.02.2021 by inter alia stating that this Tribunal vide Order dated 04.09.2020 directed the Respondent to comply with the Order dated 08.11.2019 directing the Respondent to pay an amount of Rs. 50,000/- from September, 2018. The total amount to be paid to the Petitioner as ordered by this Tribunal is amounting to Rs. 12,00,000/- (Rupees Twelve Lakhs only) (i.e. from September, 2018 till August, 2020). Since the salary of Rs. 3,50,000/- is already adjusted to her account, an amount of Rs.8,50,000/- is now being paid. Following the directions of this Tribunal, the R-1 issued 17 cheques in favour of the Petitioner totalling to Rs. 8,50,000/- were submitted to the Counsel for the Petitioner. Upon his refusal, the R-1 in terms of this Tribunal orders, has submitted 10 cheques before this Tribunal in favour of the Petitioner. The details of the said 10 cheques are as follows:

<i>Sr. No.</i>	<i>Name of the Bank</i>	<i>Cheque No. and Date</i>	<i>Amount (Rs.)</i>
1.	State Bank of India	337232 28.01.2021	4,00,000
2.	HDFC Bank	005239 10.02.2021	50,000
3.	HDFC Bank	005240 25.02.2021	50,000



4.	HDFC Bank	005241 10.03.2021	50,000
5.	HDFC Bank	005242 25.03.2021	50,000
6.	HDFC Bank	005243 10.04.2021	50,000
7.	HDFC Bank	005244 25.04.2021	50,000
8.	HDFC Bank	005245 10.05.2021	50,000
9.	HDFC Bank	005246 25.05.2021	50,000
10.	HDFC Bank	005247 10.06.2021	50,000

5. Both the learned Counsels have also filed a Note dated 03.03.2021, by inter alia stating that the aforesaid ten cheques deposited in this Tribunal and drawn in favour of Petitioner-Bindesh Dutt has been received and accepted by the Petitioner.
6. The above facts and circumstances shows that the Interim Order dated 08.11.2019 stands complied with, and therefore there is no contempt committed by the Respondent, as alleged by the Applicant.
7. In the result, I.A. No.339 of 2020 in C.P. No.185/BB/2019 is hereby dismissed. No order as to costs.



**ASHUTOSH CHANDRA
MEMBER, TECHNICAL**



**RAJESWARA RAO VITTANALA
MEMBER, JUDICIAL**

Krishna

**IN THE NATIONAL COMPANY LAW TRIBUNAL
BENGALURU BENCH**

C.A. No.01 of 2021 in
C.P. No.185/BB/2019
Under Rule 11 of the NCLT Rules, 2016

Between:

Bindesh Dutt

W/o. Late Mr. Yogesh Dutt
R/a # 303, Ashoka Enclave,
No.12, Netaji Road, Fraser Town,
Bengaluru – 560 005.

- Applicant/Petitioner

And

1. Impact Safety Glassworks Pvt. Ltd.

Regd. Off: 23, Old Madras Road,
Avalahalli,
Bengaluru – 560 049. & 3 Ors.

- Respondents

Date of Order: 03rd March, 2021

Coram: 1. Hon'ble Shri Rajeswara Rao Vittanala, Member (Judicial)
2. Hon'ble Shri Ashutosh Chandra, Member (Technical)

Parties/Counsels Present:


For the Applicant : Shri S. Vivekananda, Advocate

For the Respondents : Shri Uday Shankar, Advocate

ORDER

Per: Rajeswara Rao Vittanala, Member (J)

1. C.A. No.01 of 2021 in C.P. No.185/BB/2019 is filed by Mrs. Bindesh Dutt (hereinafter referred to as 'Applicant/Petitioner') under Rule 11 of the National Company Law Tribunal Rules, 2016, by *inter alia* seeking to direct a thorough investigation into the affairs of the R-1, etc.
2. Heard Shri S. Vivekananda, learned Counsel for the Applicant/Petitioner, and Shri Uday Shankar, learned Counsel for the Respondents. We have carefully perused the pleadings of the Parties


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and extant provisions of the Companies Act, 2013 and the Rules made thereunder.

3. Shri S. Vivekananda, learned Counsel for the Applicant, after arguing the case at length, has finally submitted that in view of the matter being posted for final hearing, he may be permitted to withdraw the instant application with a liberty to raise the issues raised in the instant Application, at the time of final hearing.
4. In the light of the aforesaid submission made by the learned Counsel for the Petitioner, we are inclined permit the Applicant to withdraw the instant application.
5. In the result, C.A. No.01 of 2021 in C.P. No.185/BB/2019 is hereby disposed of as withdrawn by granting liberty to the Applicant/ Petitioner to raise the issues raised in the instant Application at the time of final hearing of the Company Petition. No order as to costs.

**ASHUTOSH CHANDRA
MEMBER, TECHNICAL**

**RAJESWARA RAO VITTANALA
MEMBER, JUDICIAL**

Krishna