

IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI
COURT-V

Item No.-207

CP No. - 81/241/242/ND/2020
Contempt Application-03/C- V/ND/2020

IN THE MATTER OF:

Mam Chand Goel

....Applicant

Vs.

Uttar Development Private Limited &Ors.

.....Respondent

SECTION

U/s 241-242

Order delivered on 15.10.2020

CORAM:

SHRI ABNI RANJAN KUMAR SINHA
HON'BLE MEMBER (JUDICIAL)

SHRI K.K. VOHRA,
HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Applicant :

For the Respondent :

ORDER

Mr. Prashant Mehta assisted with Mr. Ajay and Mr. Arush appeared on behalf of the petitioner, Mr. Sidharth Bahtli assisted with Ms. Ankita appeared on behalf of R-2 and Mr. Gursat appeared on behalf of R-3 & R-4.

Ld. Counsel for the R-2 submitted that he has already filed reply and the same is on record. Ld. Counsel for the R-3 & R-4 submitted that he has also filed reply on 10.10.2020 but the same is not on record. The office informed that there are some defects pointed out by the Registry in the reply filed by Mr. Gursat. Therefore, he is directed to verify it from the Registry and remove the defects, if any, so that the same may be listed before us on the next date of hearing. Mr. Gursat also submitted that he has also served a copy of the same upon the Ld. Counsel for the petitioner.

In course of hearing, Mr. Mehta shared some photographs through VC to show that a hording is still at the site alongwith the materials.



In course of hearing, Mr. Sidharth informed that the said hording was covered with the cloth and the same is not visible.

The order, which we had passed earlier after considering the submissions of the parties on the point of interim relief i.e. order dt.31/07/2020, in our considered view, the spirit of our order was that the possession of the property must be under the control of the respondent company and no one shall interfere with the possession of respondent company including the petitioner and respondents. Therefore, anything which was available at the site, even prior to the passing of the order, shall not be permitted to remain there after passing of the order. If anything remains there in our considered opinion, that amounts to the interference with the peaceful possession of the respondent company, therefore, all the persons concerned are directed to comply with our order dated 31.07.2020 and if anything is available at the site, they are directed to remove the same at once.

Since the main application is listed for hearing on 02.11.2020, therefore, the petitioner is directed to file rejoinder on or before two days of 02.11.2020. No further adjournment will be granted on any ground.

Mr. Sidharth also informed us that R-2 has also filed a contempt application on 12.10.2020 but the same is not listed as yet. Mr. Sidharth is directed to share the diary no. of the filing so that the same may be listed before us on the next date of hearing. Office is directed to list that application alongwith this application on 02.11.2020, if the same is defect free.

-Sd-

(K.K. VOHRA)
MEMBER (T)

-Sd-

(ABNI RANJAN KUMAR SINHA)
MEMBER (J)