

**IN THE NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH,
KOLKATA, COURT- I**

Contempt Petition No. 6/KB/2024

In

IA (IB) No. 360/KB/2022

In

CP (IB) No. 1685/KB/2019

An application under Section 60(5) of the IBC, 2016 and section 425 of the Companies Act, 2013, read with Sections 11 and 12 of the Contempt of Courts Act, 1971, and Rule 11 of the NCLT Rules 2011.

IN THE MATTER OF:

Vaibhav Khandelwal, Liquidator of Mohan Motor Dealers Private Limited

...Applicant/Liquidator

-- Versus --

1. Gayetri Singh
2. Rohit Kumar Singh
3. Pradip Kumar Bajaj
4. Anju Bajaj
5. Paragon Finance

...Respondent

In

IN THE MATTER OF:

Paragon Finance Private Limited

...Financial Creditor

-- Versus --

Mohan Motors Dealers Private Limited

...Corporate Debtor

Date of Pronouncement: 12.06.2026

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**In
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**In
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CORAM:

Smt. Bidisha Banerjee, Member (Judicial)

Cmde. Siddharth Mishra, Member (Technical)

APPEARANCES (VIA HYBRID MODE):

Mr. Rishav Banerjee, Adv.] For the Liquidator

Mr. Moulinath Moitra, Adv.]

Mr. Vaibhav Khandelwal,] Liq-in person

Ms. Priyanka Gope, Adv.] For the Respondent Nos. 1, 2

Mr. Ritoban Sarkar, Adv.] For the Respondent No.3,4

Ms. Manisha Das, Adv.]

Mr. Rabindra Mitra, Adv.] For the Respondent No.5

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O R D E R

Per: Bidisha Banerjee, Membr (Judicial)

1. The Court convened through hybrid mode today.
2. Heard the Learned Counsels appearing for the parties and perused the documents placed on record.
3. The Petitioner has filed the present contempt application petition praying for the following reliefs:

“In view of the aforesaid facts and circumstances, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

- a) *An appropriate Order(s) holding the Respondents/Contemnors to be in contempt of the said Order dated 30.01.2024 passed by this Hon'ble Tribunal in I.A.(IB) No. 360/KB/2022 in C.P. (IB) NO. 1685/KB/2019 and/or initiating requisite contempt proceedings against the Respondents/Contemnors for their wilful and intentional disobedience of the said order dated 30.01.2024;*
- b) *An appropriate order(s) directing/compelling the Respondents/Contemnors herein to ensure compliance with the letter and spirit of the order/judgment dated 30.01.2024 passed by this Hon'ble Tribunal in I.A.(IB) No. 360/KB/2022 in C.P. (IB) NO. 1685/KB/2019;*
- c) *Rule nisi be issued calling upon all the Respondents/Contemnors, and each of them, to show cause as to why they should not be fined Rs. 2000/- (Rupees Two Thousand only) and/or be sentenced to imprisonment and/or detention in civil prison for having wilfully, deliberately, intentionally and contumaciously*

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disobeyed and/or violated the said order/judgment dated 30.01.2024 passed by this Hon'ble Tribunal in IA (IB) No. 360/KB/2022 in C.P. (IB) NO. 1685/KB/2019;

- d) If the Respondents/Contemnors fail to show sufficient cause as prayed for in prayer/relief c) then the rule issued as per prayer (b) hereinabove be made absolute and fine be imposed on the respondents/contemnors, and each of them, of Rs. 2000/- (Rupees Two Thousand only) and/or they be sentenced to imprisonment for 6 (six) months and/or they be ordered to be held in detention in civil prison for 6 (six) months;*
- e) An appropriate order(s) directing/compelling the Respondent Nos./Contemnor Nos. 1 and 2 herein to ensure, jointly and/or severally, compliance with the letter and spirit of the order/judgment dated 30.01.2024 passed by this Hon'ble Tribunal in I.A.(IB) No. 360/KB/2022 in C.P. (IB) NO. 1685/KB/2019 by requiring them to immediately cause/ensure requisite payment of Rs. 4,68,75,262/- (Rupees Four Crore Sixty Eight Lacs Seventy Five Thousand Two Hundred and Sixty Two only) to the liquidation estate of the Corporate Debtor, i.e. to the said bank account, in compliance with the directions of this Hon'ble Tribunal pronounced vide the said Order dated 30.01.2024;*
- f) An appropriate order(s) directing/compelling the Respondent Nos./Contemnor Nos. 3 and 4 herein to ensure, jointly and/or severally, compliance with the letter and spirit of the order/judgment dated 30.01.2024 passed by this Hon'ble Tribunal in I.A. (IB) No.*

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360/KB/2022 in C.P. (IB) NO. 1685/KB/2019 by requiring them to immediately cause/ensure requisite payment of Rs. 2,56,81,497 (Rupees Two Crore Fifty Six Lacs Eighty One Thousand Four Hundred and Ninety Seven only) to the liquidation estate of the Corporate Debtor, i.e. to the said bank account, as per the directions of this Hon'ble Tribunal pronounced vide the said Order dated 30.01.2024;

g) An appropriate order(s) directing/compelling the Respondent No./Contemnor No. 3 herein to ensure compliance with the letter and spirit of the order/judgment dated 30.01.2024 passed by this Hon'ble Tribunal in I.A.(IB) No. 360/KB/2022 in C.P. (IB) NO. 1685/KB/2019 by requiring him to immediately cause/ensure requisite, separate payment of Rs. 1,02,58,637/- (Rupees One Crore Two Lacs Fifty Eight Thousand Six Hundred and Thirty Seven only) to the liquidation estate of the Corporate Debtor, i.e. to the said bank account, as per the directions of this Hon'ble Tribunal pronounced vide the said Order dated 30.01.2024;

h) An appropriate order(s) directing/compelling the Respondent No./Contemnor No. 5 herein to ensure compliance with the letter and spirit of the order/judgment dated 30.01.2024 passed by this Hon'ble Tribunal in I.A.(IB) No. 360/KB/2022 in C.P. (IB) NO. 1685/KB/2019 by requiring him to immediately cause/ensure requisite payment of Rs. Rs. 13,22,427/- (Rupees Thirteen Lacs Twenty Two Thousand Four

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Hundred and Twenty Seven only) to the liquidation estate of the Corporate Debtor, i.e. to the said bank account, as per the directions of this Hon'ble Tribunal pronounced vide the said Order dated 30.01.2024;

- i) Ad-interim orders in terms of prayers/relief (a) to (h) above.*
- j) Costs of and/or incidental to the present application, including advocates' fees incurred by the Applicant/Liquidator, be borne by the respective Respondents/Contemnors;*
- k) Such further order and/or orders be passed and/or direction and/or directions be given as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case and in the interest of justice;"*

4. The Respondents/Contemnors have willfully and deliberately disobeyed the Order dated 30.01.2024 ('said Order') passed by this Tribunal in IA (IB) No. 360/KB/2022 in CP (IB) No. 1685/KB/2019, whereby this Tribunal made the following directions:

"6.21 In light of the aforementioned facts, findings and the case law cited above, we hereby allow the application and direct that:

- i. Respondent No. 1 will pay Rs. 1,44,00,000/- to the liquidation estate;*
- ii. Respondent No. 2 will pay Rs. 1,64,94,271/- to the liquidation estate;*
- iii. Respondent No. 3 will pay Rs. 1,17,24,262/- to the liquidation estate;*
- iv. Respondent No. 4 will pay Rs. 2,56,81,497/- to the liquidation estate;*

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- v. Respondent No. 5 will pay Rs. 42,56,729/- to the liquidation estate.*
- vi. Respondent No. 7 will pay Rs. 1,02,58,637/- to the liquidation estate;*
- vii. Respondent No. 9 will pay Rs. 1322427/- to the liquidation estate;*

The aforementioned payments shall be completed within 15 days of the instant order.

6.22 The amount shall be deposited in the liquidation estate of the Corporate Debtor."

(Emphasis supplied)

5. ADMITTED FACTS:

- 5.1 This Tribunal vide the said Order had directed four companies wherein Respondent/Contemnor Nos. 1 and 2 are Directors, to pay a cumulative amount of Rs. 4,68,75,262/- (Rupees Four Crore Sixty Eight Lacs Seventy Five Thousand Two Hundred and Sixty Two only) to the liquidation estate of the Corporate Debtor within fifteen (15) days of the said Order pursuant to the adjudication of I.A. (IB) No. 360/KB/2022 ("said avoidance application") which is an application filed under sections 43, 45 and 66 of the Insolvency and Bankruptcy Code, 2016, ("IBC") filed by the erstwhile interim resolution professional.
- 5.2 This Tribunal vide the said Order had directed one company, wherein Respondent/Contemnor Nos. 3 and 4 are Directors, to pay a cumulative amount of Rs. 2,56,81,497 (Rupees Two Crore Fifty Six Lacs Eighty One Thousand Four Hundred and Ninety Seven only) to the liquidation estate of the Corporate Debtor

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within fifteen (15) days of the said Order pursuant to the adjudication of the said avoidance application.

- 5.3 This Tribunal vide the said Order, had directed Respondent/Contemnor No. 3 to separately pay a cumulative amount of Rs. 1,02,58,637/- (Rupees One Crore Two Lacs Fifty Eight Thousand Six Hundred and Thirty Seven only) to the liquidation estate of the Corporate Debtor within fifteen (15) days of the said Order pursuant to the adjudication of the said avoidance application.
- 5.4 This Tribunal vide the said Order had directed Respondent/Contemnor No. 5, to pay Rs. 13,22,427/- (Rupees Thirteen Lacs Twenty Two Thousand Four Hundred and Twenty Seven only) to the liquidation estate of the Corporate Debtor within fifteen (15) days of the said Order pursuant to the adjudication of the avoidance application.
- 5.5 Thereafter passing of the said order, the Applicant/Liquidator has duly and diligently made the requisite efforts to notify the Respondents/Contemnors herein about the pronouncement of the said Order dated 30.01.2024 and the passing/issuance of the payment directions therein by this Tribunal. The Applicant/Liquidator has issued demand notices/letters and has even caused publication of pertinent notice in requisite newspapers in Kolkata, West Bengal, where the Respondent/Contemnors reside and carry on their business/work.
- 5.6 It has also come to the notice of the Applicant/Liquidator through auto/computer generated Emails issued by the Hon'ble National Company Law Appellate Tribunal ("NCLAT") that four cases respectively titled "BIHARIJI CONSULTANCY PRIVATE" (sic),

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"SWARAJ VANIJYA PRIVATE LIMITE" (sic). "TRINITY VANIJY A PRIVATE LIMI" (sic), "MOHAN MOTOR BUSINESS PRIVATE" (sic) have been filed. Each of these emails specifically stated that the respective case/matter "shall be listed before the bench subject to scrutiny/defect free." To the best of the knowledge of the Applicant/Liquidator and as per relevant information available from the website of the Hon'ble NCLAT, none of these four cases have been listed till date. The pertinent Case Status information hosted on the website of the Hon'ble NCLAT as on 19.05.2024 displays the statement "Currently Case not available" against the respective filing numbers of these four cases (presumable appeals).

ANALYSIS AND FINDINGS

6. The said Order dated 30.01.2024 is a detailed, speaking and reasoned order which is a culmination of multiple hearings of the said avoidance application, and neglecting compliance of the same shall inevitably amount to contempt.
7. In view of the foregoing, this Tribunal is convinced that the Respondents have requisite knowledge of the said payment directions issued by this Tribunal vide Order dated 30.01.2024 but have wilfully, deliberately and intentionally disobeyed and violated the said Order dated 30.01.2024. **They are held guilty of contempt.**
8. At this juncture, it is pertinent to note the following provision:

Companies Act, 2013

425. Power to punish for contempt.— The Tribunal and the Appellate Tribunal shall have the same jurisdiction, powers and authority in respect of contempt of themselves as the High Court has and may exercise, for this purpose, the powers under the

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provisions of the Contempt of Courts Act, 1971(70 of 1971), which shall have the effect subject to modifications that

(a) the reference therein to a High Court shall be construed as including a reference to the Tribunal and the Appellate Tribunal;
and

(b) the reference to Advocate-General in section 15 of the said Act shall be construed as a reference to such Law Officers as the Central Government may, specify in this behalf.

(Emphasis Added)

Thus, power of NCLT to punish for contempt of its order is akin to that of a High Court.

9. The power of High Court under the Contempt of Courts Act, 1971 is as under:

11. Power of High Court to try offences committed or offenders found outside jurisdiction.—*A High Court shall have jurisdiction to inquire into or try a contempt of itself or of any court subordinate to it, whether the contempt is alleged to have been committed within or outside the local limits of its jurisdiction, and whether the person alleged to be guilty of contempt is within or outside such limits.*

12. Punishment for contempt of court.—*(1) Save as otherwise expressly provided in this Act or in any other law, a contempt of court may be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both:*

Provided that the accused may be discharged or the punishment awarded may be remitted on apology being made to the satisfaction of the Court.

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Explanation.—An apology shall not be rejected merely on the ground that it is qualified or conditional if the accused makes it bona fide.

(2) Notwithstanding anything contained in any law for the time being in force, no court shall impose a sentence in excess of that specified in sub-section (1) for any contempt either in respect of itself or of a court subordinate to it.

(3) Notwithstanding anything contained in this section, where a person is found guilty of a civil contempt, the court, if it considers that a fine will not meet the ends of justice and that a sentence of imprisonment is necessary shall, instead of sentencing him to simple imprisonment, direct that he be detained in a civil prison for such period not exceeding six months as it may think fit.

(4) Where the person found guilty of contempt of court in respect of any undertaking given to a court is a company, every person who, at the time the contempt was committed, was in charge of, and was responsible to, the company for the conduct of business of the company, as well as the company, shall be deemed to be guilty of the contempt and the punishment may be enforced, with the leave of the court, by the detention in civil prison of each such person: Provided that nothing contained in this sub-section shall render any such person liable to such punishment if he proves that the contempt was committed without his knowledge or that he exercised all due diligence to prevent its commission.

(5) Notwithstanding anything contained in sub-section (4), where the contempt of court referred to therein has been committed by a company and it is proved that the contempt has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of

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the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the contempt and the punishment may be enforced, with the leave of the court, by the detention in civil prison of such director, manager, secretary or other officer.

Explanation.—For the purpose of sub-sections (4) and (5),— (a) “company” means any body corporate and includes a firm or other association of individuals; and (b) “director”, in relation to a firm, means a partner in the firm.

(Emphasis Added)

10. Further, it is pertinent to the inherent power of NCLT under the NCLT Rules, 2016, which reads as under:

Rule 11: Inherent Powers- *Nothing in these rules shall be deemed to limit or otherwise affect the inherent powers of the Tribunal to make such orders as may be necessary for meeting the ends of justice or to prevent abuse of the process of the Tribunal.*

(Emphasis Added)

11. Accordingly, we hold the Respondents herein to have committed contempt of of the said Order dated 30.01.2024, and consequently, make the following orders:

- i. All the Respondents are mandatorily directed to comply with the letter and spirit of the said Order dated 30.01.2024 passed by this Hon'ble Tribunal in I.A.(IB) No. 360/KB/2022 in C.P. (IB) NO. 1685/KB/2019 and pay the respective sums as directed to them **forthwith**. Upon failure of depositing the said respective sums to the Applicant herein within 7 days of uploading of this order, all personal properties of each of the

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liable Respondents shall be attached for 3 months and upon further non-payment, the same may be sold by the Liquidator to the extent of recovery of their respective liability;

- ii. Each of the Respondents shall to show sufficient cause as to why they should not be fined and/or be sentenced to imprisonment and/or detention in civil prison for having wilfully, deliberately, intentionally and contumaciously violating the said Order dated 30.01.2024, within 7 days of uploading of this order, failing which each of them shall be liable to a fine of Rs. 2,00,000 (Rupees Two Lakh). Upon non-payment of the said fine, each of the Respondent shall be liable to be held in detention for a term of 6 months in civil prison;
- iii. Costs of and/or incidental to the present application, including advocates' fees incurred by the Applicant/Liquidator, be borne by the respective Respondents/Contemnors;

- 12. The **Contempt Petition No. 6/KB/2024 is disposed of** accordingly.
- 13. The Registry is directed to send e-mail copies of the order forthwith to all the parties inclusive of the Counsel(s).
- 14. **Urgent certified copy** of this order, if applied for be issued upon compliance with all requisite formalities.

Cmde. Siddharth Mishra
Member (Technical)

Bidisha Banerjee
Member (Judicial)

Order dated on 12.06.2026.

Bhatt, O. [LRA]