IN THE NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH, COURT – 1, AHMEDABAD

ITEM No.303

Cont.P/12(AHM)2025
in
CP(IB) 35 of 2020

Under Section 60(5) of IB Code, 2016 r/w Rule 11 of NCLT Rules, 2016 r/w Section12 of Comtempt of Court 1971 r/w Section 425 of Companies act, 2013

IN THE MATTER OF:

Mr. Rajeev Ranjan Singh Representative of M/s Truvisory Insolvency Professionals Pvt. Ltd **.....Applicant**

V/s

State of Chhattisgarh through Tehsildar **.....Respondent**

Order delivered on: 01/09/2026

C O R A M:

MR. SHAMMI KHAN, HON'BLE MEMBER (J)
MR. SANJEEV SHARMA, HON'BLE MEMBER (T)

O R D E R
(Hybrid Mode)

The case is fixed for pronouncement of order. The order is pronounced in the open court, vide separate sheet.

Sd/-

SANJEEV SHARMA
MEMBER (TECHNICAL)

Sd/-

SHAMMI KHAN
MEMBER (JUDICIAL)

BEFORE THE ADJUDICATING AUTHORITY
NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH, COURT–I, AHMEDABAD

Cont. P/12(AHM)2025
In
C.P. (IB)/35(AHM)2020

(Contempt Petition under Section 425 of the Companies Act, 2013 read with the applicable provisions of the Contempt of Courts Act, 1971 and Rule 11 of the National Company Law Tribunal Rules, 2016)

In the Matter of: *Sunshine Hi-Tech Infracon Limited*

MEMO OF PARTIES

Rajeev Ranjan Singh
Representative of
Truvisory Insolvency Professionals Private Limited,
Liquidator of Sunshine Hi-Tech Infracon Limited

.... Applicant/Liq.

VERSUS

1. **Ms. Divya Umesh Mishra (IAS),**
   Collector & District Magistrate,
   District Balod, State of Chhattisgarh**.**

2. **Hanumant Singh Shyam,**
   Tehsildar, Gurur, District Balod,
   State of Chhattisgarh

.... Respondents

In the Original Matter of:

Shriram Makadu Chitte & Ors.

...Financial Creditors

VERSUS

Sunshine Hi-Tech Infracon Limited

...Corporate Debtor

Order Pronounced On: 01.09.2026

C O R A M :
SH. SHAMMI KHAN, HON'BLE MEMBER (JUDICIAL)
SH. SANJEEV SHARMA, HON'BLE MEMBER (TECHNICAL)

A P P E A R A N C E :

For the Applicant : Ms. Milly Ghoshal, Advocate.
For the Respondents : Mr. Sandeep Dubey, Advocate.

O R D E R
(*Per*: Bench)

1. This his Contempt Petition has been filed on 10.12.2025 by Mr. Rajeev Ranjan Singh, Representative of M/s. Truvisory Insolvency Professionals Private Limited, Liquidator of Sunshine Hi-Tech Infracon Limited, alleging wilful disobedience of the order dated 15.04.2025 passed by this Tribunal in I.A. No.1078 of 2023 in C.P. (IB) No.35/AHM/2020. The contempt jurisdiction of this Tribunal is invoked under Section 425 of the Companies Act, 2013 read with the applicable provisions of the Contempt of Courts Act, 1971. The Petitioner has, inter alia, sought issuance of Show Cause Notice, initiation of contempt proceedings and appropriate directions for compliance with the order dated 15.04.2025, including handing over possession and title documents of the property bearing Khasra No.391/1, admeasuring 0.62

hectare, situated at Village Balodgahan, P.H. No.29, Tehsil Gurur, District Balod, Chhattisgarh, to the Petitioner/Liquidator.

2. The relevant factual background, as emerging from the Contempt Petition and documents placed on record, is that C.P. No.35/I&B/AHM/2020 was admitted on 05.10.2021 and Corporate Insolvency Resolution Process (CIRP) was commenced against Sunshine Hi-Tech Infracon Limited. Mr. Devvart Rana was appointed as Interim Resolution Professional and thereafter as Resolution Professional. As no Resolution Plan was received, the Committee of Creditors resolved for liquidation of the Corporate Debtor.

3. This Tribunal, vide order dated 30.08.2023 passed in I.A. No.746 of 2022, ordered liquidation of the Corporate Debtor and appointed Truvisory Insolvency Professionals Private Limited as Liquidator. The said order has been relied upon by the Petitioner and annexed as Annexure B.

4. The Petitioner states that land bearing Khasra No.391/1, admeasuring 0.62 hectare, situated at Village Balodgahan, Tehsil Gurur, District Balod, Chhattisgarh, was identified as an asset of the Corporate Debtor forming part of the

liquidation estate. The property had been attached under the Chhattisgarh Protection of Depositors' Interest Act, 2005 and an auction notice dated 15.10.2022 was issued pursuant thereto. The auction was conducted on 07.11.2022.

5. In I.A. No.1078 of 2023, this Tribunal, vide order dated 22.11.2023, directed maintenance of status quo in respect of the subject property and directed the Tehsildar not to register the sale deed, if not already registered. The said order is stated to have been annexed as Annexure C. The Petitioner thereafter challenged the attachment, auction and consequential proceedings before this Tribunal.

6. The said proceedings culminated in the order dated 15.04.2025 passed in I.A. No.1078 of 2023. As recorded in the present pleadings, this Tribunal set aside the attachment order dated 04.02.2022, the confirmation order dated 10.08.2022, the auction notice dated 15.10.2022 and the consequential actions, including the auction held on 07.11.2022 and its confirmation. The Petitioner states that, by the said order, the concerned Respondents were directed

to hand over possession and title documents of the subject property to the Petitioner/Liquidator within fifteen days.

7. For the purposes of the present contempt proceedings, the operative portion of the order dated 15.04.2025 shall govern the consideration of the allegation of disobedience. The said order is stated to have been annexed as Annexure A. The present proceedings are confined to compliance with the operative directions contained therein and do not constitute a reopening of the merits of the order dated 15.04.2025.

8. According to the Petitioner, despite expiry of the stipulated period and despite repeated communications and personal follow-ups, possession and the requisite title documents were not handed over to the Petitioner/Liquidator. The Petitioner relies upon communications dated 11.08.2025 and 13.08.2025, the visit of its representative on 04.09.2025, email dated 11.09.2025, communications with the concerned officers and Tehsildar, WhatsApp communications, letter dated 14.11.2025, online grievance dated 20.11.2025 and further visit on 26.11.2025. The

documents relied upon in support thereof have been referred to as Annexures D to N.

9. Upon issuance of notice, Respondent Nos.1 and 2 appeared and filed their Reply dated 02.03.2026. Their principal contention is that there was no wilful or deliberate disobedience of the order dated 15.04.2025 and that the circumstances relied upon by the Petitioner arose from administrative and procedural steps.

10. The Respondents state that the subject property was involved in proceedings under the Chhattisgarh Protection of Depositors' Interest Act, 2005. Respondent No.1 states that she assumed charge as Collector/District Magistrate on 21.04.2025. The Respondents further state that, after receipt of the order dated 15.04.2025, the Additional Collector forwarded the order to the Tehsildar on 03.09.2025 for necessary action. The said letter has been annexed as Annexure-R/1.

11. The Respondents further state that the Tehsildar thereafter placed the order dated 15.04.2025 before the Collector by memorandum dated 19.11.2025 and sought guidance

regarding further action. The said memorandum has been annexed as Annexure-R/2.

12. The Respondents state that a legal opinion dated 23.12.2025 advised that the order dated 15.04.2025 be challenged before the Hon'ble NCLAT. They further state that another legal opinion was sought on 14.01.2026 and that the Collector, District Balod, by memorandum dated 16.01.2026, sought approval from the Additional Chief Secretary, Government of Chhattisgarh, Home Department, for filing an appeal before the Hon'ble NCLAT and for appointment of counsel. The said documents have been annexed as Annexures-R/3 and R/4 respectively.

13. The Respondents contend that filing of the appeal required approval of the competent Government Department and that they did not have independent authority to institute appellate proceedings. They therefore submit that the order dated 15.04.2025 was being processed through administrative and legal channels. Respondent No.1 has also sought deletion of her name on the ground that she was not a party to the original proceedings in the capacity in which she has been impleaded.

14. The Petitioner filed its Rejoinder/Counter dated 27.08.2026, contending, inter alia, that the Respondents' own Reply demonstrates knowledge of the order dated 15.04.2025 and subsequent administrative processing thereof. The Petitioner submits that administrative processing and obtaining legal opinions cannot, by themselves, explain non-compliance with a binding direction within the stipulated period. The Petitioner further relies upon the order dated 27.07.2026 passed in I.A. No.742/2026 and the proceedings before the Hon'ble NCLAT.

15. The Petitioner states that the order dated 15.04.2025 was received by the Additional Collector and was forwarded to the Tehsildar for compliance on 03.09.2025, and that the Tehsildar thereafter sought guidance from the Collector by memorandum dated 19.11.2025. The Petitioner treats these steps as demonstrating continued non-compliance. The Petitioner further states that I.A. No.742/2026, seeking recall of the order dated 15.04.2025, was dismissed by this Tribunal on 27.07.2026. The said order is relied upon as Annexure E.

16. The Petitioner further refers to proceedings before the Hon'ble NCLAT and states that C.A. (AT) (Ins.) No.602/2026 was withdrawn on 07.04.2026. The exact particulars and effect of the said proceedings shall be governed by the orders passed therein. The Petitioner also relies upon the judgment of the Hon'ble High Court of Telangana in *N.V.N. Constructions Pvt. Ltd., Rep. by its Director K. NaveenKumar v. The Southern Power Distribution Company of Telangana Limited & Ors.*, decided on 31.07.2026, in support of its submissions regarding the binding nature of orders upon concerned State authorities and officers.

17. We have heard the learned Counsel for the Petitioner and the learned Counsel for the Respondents and have perused the Contempt Petition, Reply, Rejoinder and the documents placed on record.

18. The jurisdiction exercised in the present proceedings is the contempt jurisdiction conferred upon this Tribunal by Section 425 of the Companies Act, 2013 read with the applicable provisions of the Contempt of Courts Act, 1971. Rule 11 of the National Company Law Tribunal Rules, 2016 operates in aid of the exercise of the jurisdiction of this

Tribunal and is not being treated as the substantive source of contempt jurisdiction. Section 2(b) of the Contempt of Courts Act, 1971 defines civil contempt as wilful disobedience of any judgment, decree, direction, order, writ or other process of a court or wilful breach of an undertaking given to a court. The present proceedings are, therefore, concerned with whether the material on record discloses prima-facie circumstances requiring the individual Respondents to answer an allegation of wilful disobedience.

19. At this stage, we are not required to record any final finding of contempt. The essential question is whether there is sufficient prima-facie material to require the alleged contemnors to answer a specific allegation of wilful disobedience. Mere delay or non-compliance, without the necessary element of wilfulness, does not by itself warrant punishment for contempt. Any plea of bona fide inability, impossibility, lack of knowledge, absence of authority or effective control, or any other compelling circumstance is required to be examined with reference to the individual Respondent.

20. The order dated 15.04.2025 contains an operative direction requiring compliance within fifteen days. The material presently on record indicates that the order came to the notice of the concerned administrative authorities. However, insofar as Respondent No.1 is concerned, her assertion that she assumed charge as Collector/District Magistrate on 21.04.2025 requires separate consideration with reference to the date on which the order came to her personal knowledge, the authority and control available to her after assuming office and the steps personally taken by her thereafter.

21. The mere fact that Respondent No.1 was not a party to the original proceedings does not, by itself, determine whether she can be proceeded against for alleged subsequent disobedience of an operative order. At the same time, mere incumbency in an office to which an order relates cannot, by itself, establish personal contempt. Her individual knowledge, authority, control and conduct require specific examination.

22. Insofar as Respondent No.2 is concerned, the material presently placed on record indicates his involvement in

processing the order dated 15.04.2025 and in matters relating to the subject property. The extent of his authority, the date on which the order came to his knowledge, the steps taken by him thereafter and whether he had the ability and responsibility to implement the operative direction are matters requiring his specific explanation.

23. It is also relevant that the Respondents refer to administrative processing of the order on 03.09.2025 and 19.11.2025. The legal opinion relied upon by them is dated 23.12.2025, whereas the Contempt Petition had already been filed on 10.12.2025. These subsequent events may be relevant to the Respondents' explanation, but they do not, without further examination, explain the failure to comply within the period stipulated in the order dated 15.04.2025.

24. The Respondents pursued an appellate remedy before the Hon'ble NCLAT, which, according to the material placed on record, was withdrawn on 07.04.2026. Thereafter, I.A. No.742/2026 seeking recall of the order dated 15.04.2025 was dismissed by this Tribunal on 27.07.2026. The Respondents have stated that an appeal has again been filed before the Hon'ble NCLAT on 27.08.2026 against the

order dated 27.07.2026. No order staying, recalling or modifying the order dated 15.04.2025 has been brought on record as on the date of this order.

25. Mere pendency or pursuit of an appellate or other legal remedy, in the absence of any order staying or modifying the operation of the order dated 15.04.2025, does not by itself suspend compliance with the operative directions contained therein. At the same time, the pendency of such proceedings and the circumstances in which the Respondents pursued the remedies may be considered, if relevant, while determining whether the alleged non-compliance was wilful.

26. The Hon'ble NCLAT in ***State Bank of India & Ors. v. Jyoti Structures Ltd. & Ors.,*** Comp. App. (AT) (Ins.) Nos.388 & 389 of 2026, decided on 26.05.2026, has emphasised the requirement of prima-facie satisfaction regarding wilful disobedience and the necessity of identifying the individual alleged contemnor and the precise conduct alleged to constitute disobedience. The Hon'ble NCLAT further emphasised that the alleged contemnor must be informed of the precise charges and afforded a

meaningful opportunity to defend himself/herself before any penal consequence is imposed.

27. Applying the aforesaid principles, we find that the material presently available on record discloses the following circumstances requiring a specific response from the Respondents: -

(i) the order dated 15.04.2025 contains an operative direction requiring compliance within fifteen days;

(ii) the order was brought to the notice of the concerned administrative authorities;

(iii) the stipulated period for compliance expired without the directed compliance being shown on record;

(iv) the Respondents rely upon administrative processing and legal consultation as an explanation for the delay;

(v) the material presently on record does not establish, at this stage, that the operative direction has been complied with; and

(vi) no order staying, recalling or modifying the order dated 15.04.2025 has been brought on record as on the date of this order.

These circumstances are sufficient, at this preliminary stage, to require each Respondent to specifically explain his/her individual conduct, knowledge, authority, responsibility and the circumstances leading to the alleged non-compliance.

28. We are, therefore, satisfied that the material presently available on record discloses sufficient prima-facie circumstances requiring each Respondent to specifically answer the allegation of wilful disobedience of the order dated 15.04.2025. This prima-facie satisfaction is confined to permitting the contempt proceedings to proceed to the stage of a specific and individualised Show Cause Notice. It shall not be construed as a finding of guilt, wilful disobedience or contempt against either Respondent.

29. As regards limitation under Section 20 of the Contempt of Courts Act, 1971, the alleged breach relates to non-compliance with the direction contained in the order dated 15.04.2025 requiring compliance within fifteen days. The Contempt Petition was filed on 10.12.2025. An earlier Show Cause Notice dated 05.02.2026 was thereafter issued pursuant to the said Contempt Petition. The present order supplements that earlier notice by identifying the allegations and the individual conduct requiring explanation. In view of the filing of the Contempt Petition and the issuance of the earlier Show Cause Notice within the period prescribed under Section 20, and without resting

the present proceedings upon any theory of continuing contempt, no issue of limitation arises at this stage. The precise legal character of any subsequent non-compliance, if relevant, is left open.

30. The earlier Show Cause Notice dated 05.02.2026 and the Replies filed pursuant thereto have been taken on record. Since the alleged contemnor must be informed of the specific allegation and the individual conduct required to be explained, we consider it appropriate to supplement the earlier notice by a specific and individualised Show Cause Notice. The present order shall accordingly operate as a supplementary Show Cause Notice and shall be read together with the earlier Show Cause Notice and the pleadings already filed.

31. Accordingly, in exercise of the jurisdiction conferred upon this Tribunal under Section 425 of the Companies Act, 2013 read with the applicable provisions of the Contempt of Courts Act, 1971 and Rule 11 of the National Company Law Tribunal Rules, 2016, a supplementary Show Cause Notice is hereby issued separately to: -

(i) Ms. Divya Umesh Mishra (IAS), Respondent No.1; and

(ii) Hanumant Singh Shyam, Respondent No.2,

calling upon each Respondent to show cause as to why he/she should not be proceeded against for civil contempt under Section 2(b) read with Section 12 of the Contempt of Courts Act, 1971 for alleged wilful disobedience of the order dated 15.04.2025 passed by this Tribunal.

It is made clear that issuance of this supplementary Show Cause Notice does not constitute a finding of guilt, wilful disobedience or contempt against either Respondent.

32. Each Respondent shall specifically state:

(a) the date and manner in which the order dated 15.04.2025 came to his/her knowledge;

(b) the steps personally taken by him/her for compliance with the direction to hand over possession and title/revenue documents;

(c) the reasons for non-compliance within the stipulated fifteen days;

(d) the precise nature and effect of the administrative/legal process relied upon as an explanation for the delay;

(e) his/her individual role, authority and responsibility in relation to the subject property and compliance with the said order;

(f) whether possession and title/revenue documents have, as on date, been handed over to the Petitioner/Liquidator; and

(g) if not, the precise reason why compliance has still not been effected.

(h) compliance was considered legally or factually impossible within the stipulated period, the specific facts, legal impediment, administrative impediment or other circumstance which prevented compliance and the date on which such impediment ceased.

33. Each Respondent shall file a separate reply to the supplementary Show Cause Notice, duly supported by an affidavit, within **seven days** from the date of receipt thereof, along with all documents relied upon and a specific statement/affidavit disclosing the present status of compliance with the order dated 15.04.2025, including whether possession and title/revenue documents have been handed over to the Petitioner/Liquidator.

34. The Petitioner shall be at liberty to file its response, if any, within one week from receipt of the respective replies of the Respondents.

35. The Registry and the Petitioner shall serve a copy of this order, which shall operate as the **supplementary Show Cause Notice**, upon each Respondent individually through

e-mode and by such other permissible modes of service as may be directed. The Petitioner shall also serve a copy thereof upon the Respondents and their learned Counsel and shall place proof of service on record.

36. List the matter for appearance of the Respondents and further proceedings on **22.09.2026**.

Sd/-
SANJEEV SHARMA
MEMBER (TECHNICAL)

Sd/-
SHAMMI KHAN
MEMBER (JUDICIAL)