

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
COURT-VI

Item No. 604
CP-142/73/76(A)rw-213/ND/2020

IN THE MATTER OF:
Ms. Ruby Jain

...APPLICANT

Vs.

M/s. SMR Entertainment Pvt. Ltd. And Ors.

...RESPONDENT

Section
U/s 73/76(A)rw-213

Order delivered on 18.07.2024
HYBRID HEARING (PHYSICAL & VC)

Coram:
SHRI MAHENDRA KHANDELWAL, HON'BLE MEMBER (JUDICIAL)
SHRI RAHUL BHATNAGAR, HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Petitioner/Applicant: Adv Shalini Nair, Adv. Rabiya Thakur
For the Respondent : Adv Ramesh Kumar Mahaliyan

ORDER

This is an application filed under Section 73(4) and 76(A) of the Companies Act, 2013 seeking following relief

- “ a) *Direct the Directors of the company to return the pending amount of Rs. 4,80,000/- out of a total sum of Rs. 8,30,000/- of unsecured debt taken as loan from the Applicant, along with an interest of 24% compounded annually on the total amount of Rs. 8,30,000/- from 01.08.2017 till the date of its realization.*
- b) *That the Respondents/Directors of the Company, SMR Entertainment Private Limited & Ors. be directed to pay a fine of twice the amount deposited by the Applicant as per section 76A of the Companies Act, 2013 i.e. sum of Rs. 16,60,000/;*
- c) *Respondents, under section 73 (4) of the Companies Act, 2013.*
- d) *That such further orders be passed as the Tribunal deem fit in the circumstances of the case.”*

Heard the Ld. Counsel on behalf of the Applicant and also the Ld. Counsel on behalf of the resolution plan of the Respondent company and Ld. Counsel on behalf of the Suspended Management of the Respondent company. It was brought to our notice that the Respondent company is under the CIRP and resolution plan has already been proved by this Adjudicating Authority and the claim of the Applicant has already been admitted by the Resolution Professional and the treatment which has been given in resolution plan shall be applicable to the Applicant also. Since the claim of the Applicant regarding deposit has been admitted by the Resolution Professional no fruitful purpose would be served in keeping the present application pending. In view of this, present petition is **dismissed** with the above observations.

Sd/-
(Rahul Bhatnagar)
Member (T)

Sd/-
(Mahendra Khandelwal)
Member (J)