

**IN THE NATIONAL COMPANY LAW TRIBUNAL  
DIVISION BENCH, COURT NO. II  
KOLKATA**

**Contempt Application No. 5/KB of 2023  
I.A. (I.B.) No. 1553 of 2022  
C.P.(I.B.) NO. 972/KB of 2018**

*An application under Section 60(5) of the Code read with Rule 11  
of the National Company Law Tribunal Rules, 2016;*

**IN THE MATTER OF:**

**M/s. Paul Brothers & Ors.**

**... Applicants**

*Versus*

**Swapan Mukherjee & Ors.**

**... Respondents**

**Date of Pronouncement: 1<sup>st</sup> July, 2024**

**CORAM:**

**SMT. BIDISHA BANERJEE, MEMBER (JUDICIAL)**

**SHRI. D. ARVIND, MEMBER (TECHNICAL)**

**APPEARANCE:**

<b>Mr. Aninda Lahiri, Adv.</b>	<b>]</b>	<b>For the Applicant in IA(I.B.C)/255(KB)2023</b>
<b>Ms. Dipika Banu, Adv.</b>	<b>]</b>	<b>IA(I.B.C)/256(KB)2023, IA(I.B.C)/257(KB)2023</b>
<b>Mr. Subhadip Chkraborty, Adv.</b>	<b>]</b>	<b>IA(I.B.C)/258(KB)2023, IA(I.B.C)/259(KB)2023</b>
<b>Mr. Souvik Dian, Adv.</b>	<b>]</b>	<b>IA(I.B.C)/260(KB)2023, IA(I.B.C)/262(KB)2023and</b>
<b>Ms. Bolivia Roy, Adv.</b>	<b>]</b>	<b>IA(I.B.C)/263(KB)2023</b>
<b>Mr. R.C. Prusti, Adv. Mr. Sanjib, Adv. Ms. A. Kar, Adv.</b>	<b>]</b>	<b>For the Applicant</b>

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<b>Mr. Shaunak Mitra, Adv.</b>	]	<b>For the Liquidator</b>
<b>Mr. Shantanu Bhrama</b>	]	<b>Liquidator-in-Person</b>
<b>Ms. Urmila Chakraborty, Adv.</b>	]	<b>For the Successful</b>
<b>Mr. Avishek Guha, Adv.</b>		<b>Resolution Applicant</b>
<b>Ms. Arunika Dutta, Adv.</b>		
<b>Mr. Kaustav De Sarkar, Adv.</b>		

**ORDER**

**Per: D. Arvind, Member (Technical):**

1. The Court congregated through hybrid mode.
  2. Heard Ld. Counsels for the parties.
  3. This application has been filed by **M/s. Paul Brothers & Others, Successful Resolution Applicant of the Corporate Debtor M/s. Duckbill Drugs Private Limited** against **Swapan Mukherjee & Others the Suspended Board of the Corporate Debtor M/s. Duckbill Drugs Private Limited.**
  4. This application is seeking initiation of contempt proceedings against our Order dated 16.01.2023 heard in I.A. No. 1553 of 2022, by which we directed the parties not to precipitate the matter of trademark any further.
  5. We find that in another Order dated 19.06.2024 in I.A. No. 498 of 2024, we have noted the admission of the Ld. Counsel for respondents therein Mrs. Poulami Mukherjee, trademark that belongs to the corporate debtor has been assigned to third parties.
  6. Therefore, we hereby direct the respondents to show cause as to why rule should not be issued for contempt of our Orders dated
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16.01.2023. The response to the show cause notice should be submitted within 30 days from the date of uploading of this Order, failing which, appropriate Order(s) would be passed as per law.

7. Accordingly, this **Contempt Application No. 5/KB of 2023** will come up for hearing on **19.08.2024**.
8. Certified copy of this order, if applied for with the Registry be supplied to the parties in compliance with all requisite formalities.

**D. Arvind**  
**Member (Technical)**

**Bidisha Banerjee**  
**Member (Judicial)**

**Signed on this, the 1<sup>st</sup> day of July, 2024.**

*PH(PS)*