

**IN THE NATIONAL COMPANY LAW TRIBUNAL  
HYDERABAD BENCH – 1  
VC AND PHYSICAL (HYBRID) MODE  
ATTENDANCE CUM ORDER SHEET OF THE HEARING HELD ON  
21-06-2024 AT 10:30 AM**

**CP(IB) No.15/9/HDB/2021**

**AND**

**Contempt. A (IBC) 17/2023 & IA (IBC) 1550/2023 in CP(IB) No.15/9/HDB/2021**

u/s. 9 of IBC, 2016

**IN THE MATTER OF:**

Dugar Polymers Ltd

...Operational Creditor

**AND**

Maruti Tubes Pvt Ltd

...Corporate Debtor

**C O R A M:-**

**DR. VENKATA RAMAKRISHNA BADARINATH NANDULA, HON'BLE MEMBER (JUDICIAL)  
SH. CHARAN SINGH, HON'BLE MEMBER (TECHNICAL)**

**ORDER**

**Contempt. A (IBC) 17/2023**

Orders pronounced. In the result, **this application is dismissed. No costs.**

**IA (IBC) 1550/2023**

In the light of the orders passed in Contempt. A (IBC) 17/2023, **this application becomes infructuous.**

**Sd/-**

**MEMBER (T)**

**Sd/-**

**MEMBER (J)**

**NATIONAL COMPANY LAW TRIBUNAL  
HYDERABAD BENCH-1**

**Contempt IA No. 17/2023**

**In**

**IA No.1318 of 2022**

**In**

**CP(IB) no. 15/9/HDB/2023**

Application filed u/s 60(5) of IBC, 2016, r/w Rule 11 of NCLT Rules

In the matter of

**DUGAR POLYMERS LIMITED VS MARUTHI TUBES PRIVATE LIMITED**

Filed by

Mr. Bondalapati Srinivasa Rao  
Liquidator of Maruthi Tubes Private Limited  
H.No. 10-22-89, Flat No. 303, Chakkilam  
NNR Estate, Shanti Nagar, Masab Tank  
Hyderabad – 500028

...Applicant/Liquidator

Versus

1. Mr.Nagesh Kumar Manchala  
Director (Suspended Board)  
Maruthi Tubes Private Limited  
H.No. 10-2-94, Flat No.301, 3<sup>rd</sup> Floor  
Sai Subham Apartments, Road No.3  
Street No.7, West Marredpally  
Secunderabad- 500002

2. Mr ManchalaChandriah  
Director (Suspended Board)  
H.No. 10-2-94, Flat No.301, 3<sup>rd</sup> Floor  
Sai Subham Apartments, Road No.3  
Street No.7, West Marredpally  
Secunderabad- 500002

...Respondents

**Date of order: 21.06.2024**

**Coram**

Dr. N. Venkata Ramakrishna Badarinath, Hon'ble Member (Judicial)  
Shri Charan Singh, Hon'ble Member (Technical)

**Appearance:**

For Applicant: Mr. Bendi Ravi Teja, Advocate  
For Respondents: Dr. S.V. Ramakrishna, Advocate

**PER: BENCH  
ORDER**

1. The present Application is filed by the Liquidator for the Corporate Debtor/Maruthi Tubes Pvt Ltd, with a prayer to hold the Respondents/Contemnors guilty of the contempt of the order of this Court and punish the Respondents / contemnors for not adhering to the order dated 16.03.2024 of this Tribunal passed in IA No. 1318 of 2022 in CP (IB) No. 15/9/HDB/2021.
2. The averments in the Application is that at the first instance, the Applicant filed IA No. 1318/2022, inter-alia, seeking directions to the Respondents

(Suspended Board) to extend all assistance and co-operation to the Liquidator.

3. This Tribunal vide its order dated 16.03.2023 allowed the application. The gist of the order is as under:-

*“The suspended management to furnish the information shown at Table-A, Books of Accounts, Tally Data and Estimates of Assets and Liabilities in this Application filed by the Liquidator dated 29.09.2022, within one week from the date of this order. In default, necessary orders in terms of Section 70 of IBC will be initiated against the Members of the Suspended Management”.*

4. The above order of this Tribunal was communicated to the Respondents vide emails dated 24.03.2023, 31.03.2023 and 15.04.2023. Despite the Applicant reminding the Respondents, it is alleged by the Liquidator that there was no response from the side of the Respondents and that the Respondents have wilfully and deliberately disobeyed the order dated 16.03.2024. The Liquidator states that the Respondents are liable for punishment and prayed to hold the Respondents guilty of the contempt of the order of this Tribunal.
5. The Respondents filed a common counter, inter-alia, rebutting the allegations made by the Liquidator contends that the Respondent vide letter dated 11.01.2022 communicated to the Liquidator that the records

sought for are under the custody of son of Late Manchala Raghavendra, founder Promoter and Managing Director of the Corporate Debtor, who according to the Respondents is neither a shareholder nor a Director of the Corporate Debtor. The said document was also annexed as Annexure-6 to IA No. 1318/022.

6. It is further contended that the Applicant/Liquidator ought to have pursued the matter with Mr. Manchala Naga Dheep, instead of filing the present IA for contempt of the court order. It is also submitted that Respondent No.1 is the brother of Deceased Managing Director and only a non-executive Director of the Corporate Debtor and Respondent No.2 is the father who is 86 years old and ailing with age related problems.
7. The Respondents have further questioned as to what steps the Liquidator has taken to get the information from the said Mr. Manchala Naga Dheep but erroneously concluded that there was wilful disobedience or contempt by the Respondents, which according to the Respondents, is incorrect.
8. In the above backdrop, the point that emerges for our consideration is

Whether the act of Respondents amount to wilful disobedience of the order of the Tribunal dated 16.03.2023 passed in IA No. 1318 /2022 and if so, whether it has to be treated as act of contempt against the Respondents?

9. We have heard Shri Bendi Raviteja, Ld. Counsel for the Liquidator and Dr. S.V. Ramakrishna, Ld. Counsel for the Respondents, perused the documents on record.

Point:

Whether the act of Respondents amount to wilful disobedience of the order of the Tribunal dated 16.03.2023 passed in IA No. 1318 /2022 and if so, whether it has to be treated as act of contempt against the Respondents?

10. The Ld. Counsel for the Liquidator submitted that this Tribunal had passed an order on 16.03.2023 in IA No. 1317/2022 directing Suspended Management of the Board (i.e. Respondent No.1 & 2) to furnish information shown at Table-A, Book of Accounts, Tally data and estimates of assets and liabilities. The Liquidator further submitted that the Respondents 1 & 2 have not submitted the required information and thus not complied the order of this Tribunal. Thus, Respondents have wilfully and deliberately disobeyed the order dated 16.03.2023 of this Tribunal.

Hence, this application is filed for contempt of the court order against Respondents 1 & 2.

11. *Per contra*, Dr. S.V. Ramakrishna, Ld. Counsel for the Respondents in their common counter submit that the Respondents have already communicated vide their letter dated 11.01.2022 sent through speed post that the management of affairs of the Corporate Debtor was under the control of promoter and Managing Director of the Corporate Debtor (Late Manchala Raghavendra) and after his demise, all the records of the Corporate Debtor are under the custody of Mr. Manchala Naga Dheep, son of Late Manchala Raghavendra, who is neither a shareholder nor a Director of the Corporate Debtor, but has taken away all the records and kept the registered office under lock and key. Ld. Counsel further submitted that this communication was filed in IA No. 1318/2022 also as Annexure-6 and in this IA also as Annexure-1.

***Our Analysis and findings:***

12. We have perused the above said document and find that this letter bears the signature and seal of the Liquidator showing acknowledgement of it by the Liquidator.

13. We find that in spite of giving this information, the Liquidator has not made any attempt to recover the documents from the son of the deceased Managing Director and approached this Tribunal for contempt against the Respondents, which are not in the possession of the Respondents.
14. On perusal of the copy of the letter submitted by Respondents, it is clear that the Applicant was conveyed that the documents are in possession of the son of the deceased Managing Director. The Applicant is also not contradicting this submission made by Respondents and also could not produce any evidence/proof before the Tribunal that he had made sufficient efforts to recover the documents from the son of the deceased Managing Director.
15. In the above backdrop, we hold that information as sought for by the Applicant and as ordered by this Tribunal vide its order dated 16.03.2023 in IA 1318/2023 was though not provided to the Applicant but the acts of Respondents for not providing this information are not wilful and deliberate in our view.
16. Therefore, we are of the view that the prayer of the Applicant to hold the Respondents as guilty of the contempt of the order of this Tribunal cannot



be granted as we do not find any wilful and deliberate disobedience of the order dated 16.03.2024 by the Respondents.

17. Accordingly, this Application is dismissed and the liquidator is directed to make efforts to recover the documents from Mr. Manchala Naga Dheep (son of the demised Managing Director).

**SD/-**  
(Charan Singh)  
Member (T)

**Sd/-**  
(Dr. N.Venkata Ramakrishna Badarinath)  
Member (J)

*Binnu*