

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
SPECIAL BENCH (COURT – II)

Item No. 208

114/45/ND/2018

EP-01/2021, CA-127/2020, CA-12/2022

IN THE MATTER OF:

Sumesh Chawla

... **Applicant/Petitioner**

Versus

Mona Portfolio Ltd. & Anr.

... **Respondent**

Under Section: 45

Order delivered on 06.03.2023

CORAM:

**SH. ASHOK KUMAR BHARDWAJ,
HON'BLE MEMBER (JUDICIAL)**

**SH. AVINASH KUMAR SRIVASTAVA,
HON'BLE MEMBER (TECHNICAL)**

PRESENT:

For the Applicant : Adv. Govind Goel and Adv. Arun Kumar

For the Respondent :

ORDER

EP-01/2021: By way of the present petition, the petitioner has sought execution of the order dated 01.02.2019 passed in Company Petition 114/45Q/ND/2018. In terms of the said order, this Tribunal directed that the transaction between the Applicant and the Respondent (NBFC) is governed by the Rules and Regulations of the RBI, thus the Respondent is liable to return the principal amount mentioned in the order, with interest as directed. In view of the provisions of Section 424(3) of the ~~NCLT Appellate~~ ^{Aks} Companies Act 2013, the Registry is directed to send a copy of the aforementioned order to the Civil Court, within whose jurisdiction the registered office of the Respondent is situated. We are sanguine that the concerned Civil Court would take all required steps to ensure the execution of the aforementioned order. The Applicant is also at liberty to produce a copy of the order sought to be executed as well as the present order before the concerned Civil Judge for the required steps to be taken in accordance with law (viz. Section 424(3) of the Companies Act, 2013).

List on 28.04.2023.

Aks A

CA-12/2022: As prayed by the Ld. Counsel for the Applicant the CA-12/2022 is **dismissed as withdrawn.**

CA-127/2020: As can be seen from order dated 05.04.2021, (uploaded on DMS on 07.05.2021), the CA-127/ND/2021 could be rejected in terms thereof. When the CP-114/45Q/ND/2018 could be disposed of in terms of the order dated 01.02.2019, the order dated 05.04.2021, perceived the CA-127/ND/2021 as an application for early hearing of the said petition. In terms of the order dated 19.07.2021, (uploaded on DMS on 07.08.2021) it is CA-558/2020, which is perceived as contempt petition, in which the respondents were set ex-parte. The applications shown pending in terms of the orders dated 10.09.2021, 11.10.2021, 22.11.2021 (uploaded on DMS as orders on different dates), are CA-558/2020 and EP-01/2021. However, in terms of the order dated 04.01.2022 (uploaded on DMS as order dated 12.01.2022), the CA-558/2020 is perceived as application for early hearing and is rejected. Surprisingly, in order dated 18.01.2022 (uploaded on DMS on 19.01.2022) it is CA-127/2020, which is again shown as pending. Then in all subsequent orders, these are CA-127/2020, EP-01/2021 & CA-12/2022 which are shown as pending. The CA-12/2022 is dismissed as withdrawn. We do not find any notice even issued in CA-127/2020. It is also quite weird that how CA-127/2020 could be suddenly listed much after dismissal of CA-127/2021. The petitioner is directed to file an affidavit explaining the developments as above. Issuance of notice in CA-127/2020 would be considered after filing of the affidavit.

List the CA-127/2020 on 28.04.2023.



**(AVINASH KUMAR SRIVASTAVA)
MEMBER (T)**



**(ASHOK KUMAR BHARDWAJ)
MEMBER (J)**