

IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI
COURT-V
(Division Bench)

Item No.-110

IB-711/ND/2023

New Contempt Petition-19/2024

IN THE MATTER OF:

Sidhvandan Finance Ltd. (Formerly Jatalia Finance Company Ltd.)

.....Applicant

Vs.

Adonia Systems Pvt. Ltd.

.....Respondent

SECTION

U/s 7 IBC

Order delivered on 04.07.2024

CORAM:

**SHRI MAHENDRA KHANDELWAL,
HON'BLE MEMBER (JUDICIAL)**

**Dr. SANJEEV RANJAN,
HON'BLE MEMBER (TECHNICAL)**

HYBRID HEARING (PHYSICAL & VC)

PRESENT:

For the Applicant : Adv Pradeep Kumar and Adv Rishabh Jain

For the Respondent : Adv. Henna George

ORDER

New Contempt Petition-19/2024:-

This is an application filed by the Financial Creditor under Section 425 of the Companies Act read with Section 12 of Contempt of Courts Act, 1971, alleging the contempt of court. Heard Ld. Counsel on behalf of Applicant. It is submitted by the Applicant that the Non-Applicants have filed some forged documents with their reply to the Section 7 petition. It may be noted that the Section 7 petition is yet to be heard and no order has been passed so far in the Section 7 petition either admitting or rejecting the petition. The genuinity of the document can be considered at the stage of consideration of Section 7 petition. There is no allegation of any willful disobedience of any direction or order of this Tribunal by the Non-Applicant. When the alleged forged document has not been considered by this Adjudicating Authority in Section 7 petition, alleging

the contempt at this stage in our view it is a pre-mature contention. Even for perjury, there are other provisions contained in the criminal law as well as in the Companies Act.

In our view at this stage, the application for initiating proceeding against the Non-Applicant for contempt of Court is pre-mature. It is needless to say that the genuinely of the document will be considered at the time of hearing of Section 7 petition. Therefore, the present application for initiating contempt is dismissed on the ground that it is pre-mature. It is made clear that we have not expressed any opinion on the genuinely of the document filed by the Non-Applicant. With these observations, the present **IA is disposed off.**

Sd/-

**(Dr. SANJEEV RANJAN)
MEMBER (T)**

Sd/-

**(MAHENDRA KHANDELWAL)
MEMBER (J)**