

**IN THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH**

COURT – IV

35.

19.03.2024

To,

1. Mr. Maneesh Kumar Singh, residing at B-2501, Oberoi Woods Mohan Gokhale Road, Mumbai, Goregaon East, Mumbai, Maharashtra, India;
2. Mr. Jijo John, Mob. No. 7738663123, residing at 1504, Orchid Mantri Park, Goregaon East, Mumbai 400063, Maharashtra, India.

Subject Show Cause Notice

1. The Resolution Professional of the Corporate Debtor i.e. M/s Advantage Overseas Private Limited has drawn this Bench attention to the disobedience to order dated 05.03.2024 in IA-875/2024 passed by this Bench to the suspended Board of Directors. This Bench finds that the suspended Board of Directors were directed to appear on the next date of hearing. Accordingly, this order is still not complied with by the suspended Board of Directors.
2. Section 425 of Companies Act, 2013 provides that this Tribunal shall have same power in respect of contempt of themselves as High Court has under the provision of Contempt of Court Act, 1971. Section 2 (c) of the Contempt of Court Act, 1971 defines Civil Contempt to mean "wilful disobedience to any judgment, decree, direction, order, writ or other process of court or wilful breach of an undertaking given to a court."

Section 12(1) of the Contempt of Court Act, 1971 provides that a Contempt of court may be punished with simple imprisonment for terms which may extend to six months or with fine which may extend to Rs.2000/-, or both. Section 12(4) also makes every person responsible for the conduct of business of the Company.

3. In terms of Section 14 of Contempt of Court Act, this Bench affords you an opportunity to make your defence to the aforesaid charges within four weeks of receipt of show Cause Notice along with the evidence relied upon by you in respect of this Bench.

Sd/-
ANU JAGMOHAN SINGH
Member (Technical)

Sd/-
KISHORE VEMULAPALLI
Member (Judicial)