

**NATIONAL COMPANY LAW TRIBUNAL**  
**MUMBAI BENCH**  
**COURT-IV**

14. IA(I.B.C)/216(MB)2024  
IN  
C.P. (IB)/1407(MB)2020

CORAM:

MS. ANU JAGMOHAN SINGH  
MEMBER (Technical)

SHRI KISHORE VEMULAPALLI  
MEMBER (Judicial)

ORDER SHEET OF THE HEARING HELD ON **14.05.2024**

Name of the Party: Forward Exports Private Limited  
Vs  
Inesh Accerro Limited

Section 7, 60(5) of Insolvency and Bankruptcy Code, 2016

---

**ORDER**

1. Mr. Avinash R. Khanolkar, Ld. Counsel for the IRP/ Applicant present through virtual mode.

**IA(I.B.C)/216(MB)2024**

1. This is an Application filed u/s 60(5) by the Resolution Professional seeking an appropriate direction against the Committee of Creditors.
2. Ld. Counsel for the Applicant submits that the Respondent(s) have not paid CIRP cost and expenditure incurred by the IRP/ RP.
3. On going through the order file, this Bench noticed that on 25.07.2023, the Respondent(s) was directed to pay the CIRP cost. However, Due to non-compliance by the Respondent(s), on 23.02.2024 this Bench gave a final chance to the Respondent(s) to make the payment of the CIRP cost to the RP within one-week. However, this direction of the Bench was not complied with.
4. This Bench has taken a serious view that the Respondent(s) wilfully violated the aforesaid order and committed contempt of Bench. Therefore, this Bench initiates contempt of Court proceedings under Section 14 of the Contempt Act, 1971 r/w Rule 11 of the NCLT Rules, 2016 against the Respondent(s).

5. The Registry as well as Applicant is directed to serve the Show Cause Notice upon the noticee.
6. Post this matter on **23.07.2024** for further consideration.

Sd/-

**ANU JAGMOHAN SINGH**  
**Member (Technical)**

/Dubey/

Sd/-

**KISHORE VEMULAPALLI**  
**Member (Judicial)**

**NATIONAL COMPANY LAW TRIBUNAL**  
**MUMBAI BENCH**  
**COURT-IV**

**Dated 14.05.2023**

To,

- i. M/s Forward Exports Private Limited,  
D19/ 2, Plot No. 1, Suryakiran CHS Limited,  
Sawarkar Nagar, Panchpakhadi, Thane,  
Maharashtra-400602
- ii. Bank of Baroda,  
Through its Stressed Assets Management  
Branch, Mumbai,  
Dr. Nanaji Building, 17, Horniman Circle, Fort,  
Mumbai, Maharashtra-400 001

Subject- ***Show Cause Notice***

1. Ms. Neelima Anil Bhate Resolution Professional of the Corporate Debtor M/s Inesh Accerro Limited has drawn this Bench attention to the disobedience to orders dated 25.07.2023 and 23.02.2024 passed by this Bench. This Bench finds that the Respondent(s) was directed to make the CIRP cost and expenditure incurred by the Resolution Professional. No amount has so far been paid by the Respondent(s). Accordingly, this order is still not complied with by the Respondent(s).
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)**