

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI
Company Appeal (AT)(Insolvency) No. 304 of 2017

IN THE MATTER OF:

Export Import Bank of India **...Appellant**

Vs

Resolution Professional JEKPL Pvt. Ltd. **...Respondent**

Present:

For Appellant: **Mr. Tushar Mehta, ASG, Mr. Ashish Ran and Mr. Shaveer Ahmed Advocates.**

For Respondent: **Mr. Abinav Vashishta, Senior Advocate with Mr. Rohit Chaudary, Advocate for Resolution Professional Mr. Mukesh Mohan, (Resolution Professional in person).**

ORDER

09.02.2018 It appears that in spite of our order dated 08.12.2017, the Resolution Professional Mr. Mukesh Mohan persuaded the matter before the Adjudicating Authority suppressing the aforesaid order passed by this Appellate Tribunal. A request was also made to take the matter out of turn. It is also not clear as to why the Adjudicating Authority (Ahmedabad Bench), in spite of pendency of this Appeal and order of this Appellate Tribunal dated 08.12.2017, passed the final order under Section 31 of the Insolvency & Bankruptcy Code, 2016? The allegation as made in this supplementary Affidavit being serious in nature, before passing any order or making any observations with regard to functioning of the Adjudicating Authority (Ahmedabad Bench), we issue notice on Mr. Mukesh Mohan to state as to why a proceeding for Contempt be not initiated against him. Let a separate

contempt case be opened with separate case number. Formal notice be issued along with a copy of this order to Mr. Mukesh Mohan,

Mr. Mukesh Prasad, Resolution Professional, who is present in the Court, accepts notice.

Let a copy of this order along with notice and the Additional Affidavit filed by Mr. Ashok Kr. Varita in Company Appeal (AT)(Insolvency) No. 304 of 2017 be handed over to Mr. Mukesh Mohan, who may file a reply within 15 days after service of copy of the same on the learned Counsel appearing on behalf of Export Import Bank of India in Company Appeal (AT)(Insolvency) No. 304 of 2017.

Post all these matters on **21st February, 2018** along with Contempt Case.

Until further order, the interim order passed on 01.12.2018 shall continue.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

Akc/uk