

GAHC020000882024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : CRL.REVN/3/2024

RAJIV BHATNAGAR, RESOLUTION PROFESSIONAL OF M/S UM
GREEN LIGHTING PVT.LTD
HAVING ITS OFFICE AT C-51, FIRST FLOOR, CORPORATION BANK
BUILDING, AWAS VIKAS, NAINITAL ROAD, RUDRAPUR-
UTTARAKHAND-263153

VERSUS

M/S CSA CORPORATION PRIVATE LIMITED AND ANR
FORMERLY KNOWN AS ORSUS AGRO DELVELOPERS PVT. LTD
HAVING ITS CORPORATE OFFICE AT 250, FIRST FLOOR, OKHLA
INDUSTRIAL AREA, PHASE III, NEW DELHI- 110020 AND
REGISTERED OFFICE AT H/NO. 297, 1ST FLOOR, 17, AOYIMKUM
VILLAGE, DIMAPUR, NAGALAND AND REPRESENTED BY ITS
CONSULTANT SHRI. SANTOSH KUMAR

2:STATE OF NAGALAND
KOHIMA NAGALAN

For the Petitioner(s)	: Mr. Rajiv Bhatnagar, Petitioner
For the Respondent(s)	: Mr. T. B. Jamir, Advocate
	: Mr. V. Zhimomi, Government Advocate

Date of Hearing : **10.06.2024**

Date of Judgment : **10.06.2024**

**BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH**

JUDGMENT AND ORDER (ORAL)

Heard Mr. Rajiv Bhatnagar who is present in person through video conferencing. I have also heard Mr. T. B. Jamir, the learned counsel appearing on behalf of the Respondent No.1 and Mr. V. Zhimomi, the learned Government Advocate appearing on behalf of the Respondent No.2.

2. Mr. Rajiv Bhatnagar was appointed as a Resolution Professional by the National Company Law Tribunal, New Delhi under Section 9 of the Insolvency and Bankruptcy Code, 2016 vide an order dated 10.01.2023.

3. It has been brought to the attention of this Court that in view of the fact that Shri Rajiv Bhatnagar was the Resolution Professional, he filed the instant application for quashing of CR Case No.12/2021 filed by the Respondent No.1 herein against M/S UM Green Lighting Private Ltd. and Shri Gaurav Mamik. The reason for invoking the jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, 1973 is on account of summons issued to Shri Rajiv Bhatnagar as interim Resolution Professional for M/S UM Green Lighting Private Ltd.

4. This Court has also taken note of the complaint so filed being CR Case No.12/2021 which shows that the allegations so made against the accused Nos.1 and 2 in the said complaint are all allegations during the period prior to the said Shri Rajiv Bhatnagar appointed as the Resolution Professional. It has also been brought to the attention of this Court that on 30.05.2024, the National Company Law Tribunal had approved the

resolution plan in terms with Section 31 of the Insolvency and Bankruptcy Code, 2016. It is seen from a perusal of Section 23 of the Insolvency and Bankruptcy Code, 2016 that the Resolution Professional shall conduct the entire corporate insolvency resolution process and manage the operations of corporate debtor during the corporate insolvency resolution process period. The proviso to Sub-Section (1) of Section 23 also stipulates that the Resolution Professional shall continue to manage the operations of the corporate debtor after the expiry of the corporate insolvency resolution process period until an order approving the resolution plan under Sub-Section (1) of Section 31 or appointing a liquidator under Section 34 is passed by the Adjudicating Authority.

5. Taking into account that on 30.05.2024, the resolution plan has already been approved by the National Company Law Tribunal, New Delhi, the role of Shri Rajiv Bhatnagar as a Resolution Professional of M/S UM Green Lighting Private Ltd. have come to an end and his duty is only limited now to take steps in terms with Section 31(4) of the Insolvency and Bankruptcy Code, 2016.

6. Under such circumstances, this Court is of the opinion that the instant petition now cannot be maintained at the behest of Shri Rajiv Bhatnagar who was the Resolution Professional. Be that as it may, this Court quashes the summons which was issued to Shri Rajiv Bhatnagar enclosed as Annexure P-17 to instant petition dated 16.01.2024 on the grounds that no case is made against Shri Rajiv Bhatnagar as would clearly appear from a perusal of the complaint. In addition to that, the allegations so made were even before Shri Rajiv Bhatnagar had anything to do with the Accused No.1 Company.

7. This Court further finds it relevant to take note of the submissions made by Shri Rajiv Bhatnagar, Resolution Professional to the effect that in view of Section 32A of the Insolvency and Bankruptcy Code, 2016, the said criminal proceedings cannot further be continued. Taking into account that with the approval of the resolution plan, the role of Shri Rajiv Bhatnagar has come to an end, this Court would not deal with the said submission. However, liberty would be available to the successful resolution applicant to take such a plea before the appropriate Court.
8. With above observations and directions, the instant petition stands disposed of.
9. Interim order passed on 26.02.2024 stands vacated.

JUDGE

Comparing Assistant