

D/L38  
18.01.2023  
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C.R.R.891 of 2021

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973;

Shri Rakesh Niranjana Ranjan and another  
Versus  
Neo Growth Credit Private Limited

Mr. Kaushik Kundu.  
...for the opposite party.

Records of the revisional application reflect that the National Company Law Tribunal Mumbai Bench passed the order on 4<sup>th</sup> October, 2018 and by the said order, the Tribunal was pleased to observe that once the petition was admitted, the provisions of Moratorium as prescribed under Section 14 of the Code should be operative.

The present complaint case being CS No.2859 of 2021 before the learned Metropolitan Magistrate, 12<sup>th</sup> Court, Calcutta was filed in the year 2021.

Having regard to the law settled by the Hon'ble Supreme Court in **P. Mohanraj and others Vs. M/s. Shah Brothers Ispat Private Limited** reported in **(2021) 6 SCC 258** and the complaint under Section 138 of the Negotiable Instruments Act being filed pursuant to the order passed under Section 14 of the Insolvency and Bankruptcy Code, I direct that so far as the corporate debtor i.e. the company is concerned, the proceedings till further information would be stayed. So far as the directors of the company, that is, the present petitioners are concerned, the proceedings

against them would continue and the trial of the case should be taken to its logical conclusion. So far as the company is concerned, appropriate steps be taken by the complainant before the National Company Law Tribunal or the authority appointed under the Act.

With the aforesaid observations, CRR 891 of 2021 is disposed of.

Pending application, if any, is consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

**(Tirthankar Ghosh, J.)**