

202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Decided on : 09.05.2023

CRM-M-13018-2019

Richa Industries Ltd. Petitioner
Versus

M/s Shyam Strips Tubes Pvt. Ltd. & ors. Respondents

CRM-M-19368-2019

M/s Richa Industries Ltd. Petitioner
Versus

M/s S.B.Steel and Engineering Works Pvt. Ltd. & ors. Respondents

CRM-M-32675-2019

Richa Industries Ltd. Petitioner
Versus

M/s S.B.Steel and Engineering Works Pvt. Ltd. & ors. Respondents

CRM-M-1320-2020

M/s Richa Industries Ltd. Petitioner
Versus

M/s Arya Steels Respondent

CRM-M-1328-2020

M/s Richa Industries Ltd. Petitioner
Versus

M/s Ajay Metalloys Pvt. Ltd. Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Nitin Kant Setia, Advocate
for the petitioner.

Mr. Jagjot Singh, Advocate for
Mr. Kunal Dawar, Advocate for respondent No.1
in CRM-M-19368 and 32675-2019.

Mr. Sanjay Verma, Advocate for
respondent No.1 in CRM-M-13018-2019.

Mr. Vimal Kumar Gupta, Advocate
for respondent No.1 in CRM-M-1320-2020.

Ms. Deepika Sood, Advocate for Mr. Abhinav Sood, Advocate
for the respondent in CRM-M-1328-2020.

Manjari Nehru Kaul, J.(Oral)

1. This order shall dispose of above said criminal petitions as the question of law involved therein are identical. Brief facts of the case are taken from CRM-M-13018-2019.

2. The petitioner has invoked the extra-ordinary jurisdiction of this Court under Section 482 Cr.PC for setting aside of orders dated 06.02.2019 in CRM-M-13018-2019, 14.02.2019 in CRM-M-19368 and 32675-2019, 03.07.2019 in CRM-M-13020 and 06.08.2019 in CRM-M-1328-2020 respectively passed by the Court below whereby its application for adjourning the proceedings under Section 138 of Negotiable Instruments Act, 1881 (hereinafter referred to as 'Act') '*sine die*' during the pendency of the Corporate Insolvency Resolution Process (in short 'CIRP') of the petitioner-company under the Insolvency and Bankruptcy Code, 2016 (hereinafter referred to as 'Code') was dismissed.

3. Learned counsel for the petitioner has prayed for quashing of the impugned order and for allowing the application filed by the petitioner before the trial Court for adjourning the proceedings under Section 138 of the Act *sine die* during the pendency of CIRP as the petitioner is a Corporate debtor coupled

with the fact that moratorium in terms of Section 14 of the Code has been declared by the National Company Law Tribunal, Chandigarh Bench, Chandigarh vide order dated 21.12.2018 (Annexure P-4).

4. Learned counsel for the respondent-complainant does not oppose the prayer made by counsel for the petitioner that the proceedings under Section 138 of the Act be kept in abeyance qua the petitioner, i.e. the corporate debtor, and be adjourned *sine die*.

5. Heard learned counsel for the parties and perused the relevant material available on record.

6. Without adverting to the merits of the case and in the wake of submissions made by learned counsel, particularly the No Objection given by the learned counsel for the respondent, the instant petition(s) is/are allowed and the proceedings under Section 138 of the Act pending against the petitioner are ordered to be adjourned *sine die* during the pendency of CIRP under the Code.

7. All the petitions stand disposed of accordingly.

(MANJARI NEHRU KAUL)
JUDGE

09.05.2023
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No