

202

2023:PHHC:073405

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

1.

CRM-M-32440-2019

M/s Richa Industries Limited

....Petitioner

Versus

M/s Dinesh Steel

....Respondent

2.

CRM-M-32445-2019

M/s Richa Industries Limited

....Petitioner

Versus

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

....Respondents

3.

CRM-M-32447-2019

M/s Richa Industries Limited

....Petitioner

Versus

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

....Respondents

4.

CRM-M-32448-2019

M/s Richa Industries Limited

....Petitioner

Versus

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

....Respondents

5.

CRM-M-32450-2019

M/s Richa Industries Limited

....Petitioner

Versus

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

....Respondents

Date of decision: 19.05.2023

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Mukesh Tomar, Advocate
for the petitioner(s).

Mr. Harsharn Singh Bajwa, Advocate
for the respondent (in CRM-M-32440-2019).

RAJESH BHARDWAJ, J. (Oral)

This order shall dispose of abovesaid five petitions as these are connected and contain same issue for determination. Facts are taken from petition bearing No.**CRM-M-32440-2019**.

Present petition has been filed for setting aside the impugned orders dated 07.05.2019 passed by Judicial Magistrate Ist Class, Faridabad in NACT 7787/2018 titled as M/s Dinesh Steel Vs. Richa Industries etc. filed on 07.07.2018 under Section 138 of the Negotiable Instruments Act, 1881 whereby the application of the petitioner for compliance with the moratorium period declared by the Hon'ble National Company Law Tribunal under the Insolvency and Bankruptcy Code, 2016 in respect of the petitioner company and the consequent adjournment of the proceedings during the pendency of Corporate Insolvency Resolution Process has been dismissed.

Short reply filed today on behalf of the respondent is taken on record. Both the counsel appearing for the parties are ad idem that the short point involved in the case as to whether proceedings under Section 138 of the Negotiable Instruments Act can continue during the pendency of moratorium against the company under insolvency has been settled by the Hon'ble Supreme Court in P.Mohanraj & others Vs. M/s Shah Brothers Ispat Pvt. Ltd.(Civil Appeal No.10355 of 2018 decided on 01.03.2021). Both the counsel have further stated that the present cases

are covered by the decision rendered by this Court decided on 20.09.2022 in CRM-M-48938-2019 titled as Richa Industries Limited Vs. M/s Bhartiya Ispat and as such, the present cases be disposed of in the same terms.

In view of the above, present petitions are disposed of in the same terms as contained in order dated 20.09.2022 passed in CRM-M-48938-2019.

Photocopy of this order be placed on the file of each connected case.

(RAJESH BHARDWAJ)
JUDGE

19.05.2023
m. sharma

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