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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of decision: 19.02.2024*

+ **EFA(OS) (COMM) 13/2021 and CM APPL. 43565/2021**

V4 INFRASTRUCTURE PVT LTD Appellant

Through: Mr S.K. Chaturvedi with Mr Amit Sood, Mr Chandan Dutta, Ms Ankita Agrawal and Ms Sheereen, Advocates.

Mr Pulkit Thareja, Advocate for Resolution Professional.

versus

JINDAL BIOCHEMS AND DEVELOPERS PVT LTD

(FORMERLY JINDAL BIOCHEM PVT LTD) Respondent

Through: Mr Vikas Kakkar, Advocate.

+ **EFA(OS) (COMM) 14/2021 and CM APPL. 43570/2021**

V4 INFRASTRUCTURE PVT LTD Appellant

Through: Mr S.K. Chaturvedi with Mr Amit Sood, Mr Chandan Dutta, Ms Ankita Agrawal and Ms Sheereen, Advocates.

Mr Pulkit Thareja, Advocate for Resolution Professional.

versus

JINDAL BIOCHEMS AND DEVELOPERS PVT LTD

(FORMERLY JINDAL BIOCHEM PVT LTD) Respondent

Through: Mr Vikas Kakkar, Advocate.

CORAM:

HON'BLE MR JUSTICE RAJIV SHAKDHER

HON'BLE MR JUSTICE AMIT BANSAL



[Physical Hearing/Hybrid Hearing (as per request)]

RAJIV SHAKDHER, J.: (ORAL)

1. At the outset, we may note that the appellant is appearing *via* the counsel for resolution professional (RP).
2. These are appeals directed against common orders dated 12.09.2019, 11.12.2019, 03.02.2020 and 12.11.2020, passed in OMP(ENF.)(COMM.) 65/2019.
3. The sum and substance of the impugned orders was that the appellant/judgment-debtor was directed to file affidavits concerning assets in terms of Form 16(A), Appendix E as prescribed under Order XXI Rule 41(2) of the Code of Civil Procedure, 1908 [in short, "CPC"]. This direction was also made applicable to the personal assets of the Directors of the appellant, which was modified *via* order dated 11.12.2019.
4. Since the appellant failed to comply with the directions issued on 12.11.2021, the learned Single Judge directed the Managing Director of the appellant to remain present in court and to show-cause as to why contempt proceedings ought not to be initiated against him for willful disobedience of the order passed by the court.
5. Counsel for the appellant has drawn our attention to the order of the learned Single Judge dated 31.01.2024 passed not only in OMP (ENF.)(COMM.) 65/2019, but also OMP (ENF.)(COMM.) 64/2019.
6. To be noted, both the aforesaid enforcement applications involve entities who are presently arrayed as parties before us.
7. A perusal of the said order discloses that the learned Single Judge has taken note of the fact that the appellant has filed two affidavits dated 08.12.2021 (wrongly noted as 06.12.2021) and 25.01.2022.



7.1 This position was not disputed by the counsel for the respondent/decreed-holder i.e., Mr Vikas Kakkar.

8. Since there is compliance *albeit* after much delay, in our view, insofar as the captioned appeals are concerned, even as per the counsel for the parties, nothing survives. The only aspect that perhaps survives is whether or not the learned Single Judge should continue with the contempt proceedings.

9. We are told by the learned counsel for the appellant that proceedings with regard to the approval of the rehabilitation plan are pending with the NCLT(Delhi).

9.1 It is also the contention of the learned counsel for the appellant that the respondent/decreed-holder has lodged a claim with the RP.

10. Mr Vikas Kakkar, learned counsel, who appears on behalf of the respondent/decreed-holder, informs us that objections have been lodged with the NCLT with regard to the alleged fraudulent transfer of assets/monies by the erstwhile directors of the appellant.

10.1 These are aspects which the learned Single Judge may like to take into account, if deemed necessary, while dealing with the contempt proceedings.

11. The appeals are accordingly closed.

12. Needless to state, the observations made herein will not come in the way of the contempt proceedings.

13. Pending applications shall also stand closed.

RAJIV SHAKDHER, J

AMIT BANSAL, J

FEBRUARY 19, 2024/ tr



2024 : DHC : 1972-DB



Signature Not Verified

Digitally Signed By: PREM
MOHAN CHOUPHARY

Signing Date: 11/03/2024
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