

CC No. 482/17 & 483/17
M/s Ritzy Chemicals Pvt. Ltd.
Vs
M/s Shilpi Cables Technologies Ltd. & Ors.

11.01.2019

Present: Sh. Raghav Sharma, counsel for complainant.

Sh. Himanshu Anand Gupta, counsel for accused alongwith
accused no. 2 & 3 and accused no. 1 is a company.

There was an issue regarding maintainability of the present
complaint.

Arguments heard from both sides. Three judgments have been
filed on behalf of complainant in support of his contentions. Taken on record in
complaint case bearing CC No. 482/17.

There is also an issue whether on the date of presentation of
cheque for encashment, the funds of the accused company were under the
control of IRP or not since as per reply of accused to the legal notice of
complainant, the order of appointment of IRP was challenged by accused
company and the same was set aside by NCLAT vide its order dated
01.08.2017.

Under such circumstances, let notice be issued to IRP on details
being provided by accused for clarification of the said fact. Copy of order be
also sent to the IRP alongwith process for information.

Put up on **28.03.2019.**

(ATUL KRISHNA AGRAWAL)
ARC/ACJ/CCJ/ND/PHC/11.01.2019