

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPL No. 24 of 2022Shri Sanjay Gupta **Versus** State of Chhattisgarh

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10.03.2022	Mr. Manoj Pranjpe, Advocate with Mr. Anshul Tiwari, Advocate for Petitioner. Ms. Richa Shukla, Dy. Govt. Advocate for Respondent/ State. Heard. Issue notice to Respondent. Ms. Richa Shukla, learned State counsel accepts notice on behalf of Respondent. Also heard on I.A. No. 01/2022, which is an application for grant of interim relief/ stay. Learned counsel for petitioner submits that the petitioner has been appointed as 'Resolution Professional' by National Company Tribunal, Mumbai under Insolvency and Bankruptcy Code, 2016 (for short "Code, 2016"). Role of Resolution Professional is very limited to preserve and protect the assets and property, subject matter of the proceedings under the Code, 2016. Though the petitioner was appointed as Resolution Professional on 14.07.2020 but even then the occupier is one of the Directors of the factory, Mr. Nitin Golechha, which is evident from Annexure P-9, an application in Form-4 for renewal of licence. Learned counsel, placing his reliance on order dated 02.03.2021 passed by Hon'ble Supreme Court in Civil Appeal No.3395/2020, submits that the question with regard to liability and role of Resolution Professional in such

situation is pending consideration wherein the Hon'ble Supreme Court has directed for immediate release of applicant therein, who was also a Resolution Professional under the Code, 2016, arrested by the police. It is also argued that the Resolution Professionals are having the protection under Section 233 of the Code, 2016 and prays for stay of criminal proceedings initiated against petitioner in Criminal Case No. 02/Factories Act/2021.

Ms. Richa Shukla, learned State counsel opposing the submissions of learned counsel for petitioner would submit that in view of the provisions under Section 2(n) of the Factories Act, 1948, petitioner is an occupier, hence, he is not entitle for interim relief as sought for by him. She submits that she may be granted short time to file reply to the writ petition.

Considering the facts and circumstances of the case, the submissions of learned counsel for the parties, it is directed that further proceedings of Criminal Case No. 02/Factories Act/2021 shall remain stayed till the next date of hearing.

List this case after three weeks for further consideration.

Sd/-
(Parth Prateem Sahu)
Judge