



**IN THE NATIONAL COMPANY LAW TRIBUNAL**  
**AHMEDABAD**  
**DIVISION BENCH**  
**COURT – 1**

ITEM No. 219 - Cont. A. No. 6 of 2017

In

TP No.115 of 2016 in CA No.90/634A/2015

**Proceedings under Section 425 of Co. Act, 2013**

**IN THE MATTER OF:**

Kumar Jivanlal Patel (Makadia)

.....Applicant

V/s

Patel Oils & Chemicals Pvt Ltd & Ors

.....Respondents

**Order delivered on: 24.01.2025**

**Coram:**

Mr. Shammi Khan, Hon'ble Member(J)

Mr. Sameer Kakar, Hon'ble Member(T)

**PRESENT:**

For the Applicant

: Mr. Akshey Jain for Mr. Kunjal Dalal, PCS

For Respondent No.2

: Mr. Jainish Shah, Advocate a.w. Contemner,  
Mr. Jitendra Mukundrai Patel, in person

**ORDER**

**(Hybrid Mode)**

**Cont. A No.6 of 2017**

1. In continuation of previous order, the matter is taken up for further hearing today. It is noted that by the previous order dated 17.01.2025, the Respondent No.2/Contemnor - Jitendra Mukundrai Patel, S/o Shri Mukundrai M. Patel, was held guilty of contempt of order dated 20.01.2017 for disobeying the directions of this Tribunal under Section 425 of the Companies Act, 2013 read with section 12 of the Contempt of Courts Act, 1971.
2. The matter was adjourned to today for hearing and to decide the quantum of sentence/ punishment in accordance with Section 12 of the Contempt of Courts Act, 1971 read with Section 425 of Companies Act, 2013.

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3. The Respondent No.2/Contemnor was directed to remain physically present before this Tribunal on the next date of hearing i.e. 24.01.2025. The Registry was also directed to serve a copy of the order dated 17.01.2025 upon the Respondent No. 2 forthwith.
4. The Registry of this Tribunal has placed the proof of service on the file which reflects that copy of the last order dated 17.01.2025 was sent to the Respondent No.2/Contemnor on 17.01.2025 itself through Registered post at both addresses and the same was delivered to Respondent No.2/Contemnor on 20.01.2025 & 22.01.2025 as per Tracking Report of the Postal Authority. Further, copy of the said order was also delivered to the Respondent No.2/Contemnor as well as his Counsel Mr. Jainish Shah through email dated 17.01.2025.
5. In view of the above, service of order dated 17.01.2025 upon the Respondent No.2/Contemnor for physical presence before this Tribunal is considered sufficient and complete. Mr. Jitendra Mukundrai Patel, Contemnor is present in person.
6. We have heard Ld. Representative of Ld. PCS for the Applicant as well as Ld. Counsel for the Respondent No.2/Contemnor and the Contemnor in person on the quantum of sentence/ punishment for contempt.
7. The Ld. Counsel for the Respondent No.2/Contemnor as well as the Contemnor in person pleaded that minimum sentence of fine be imposed in view of the fact that the Respondent No.2/ Contemnor has acted/sold the assets in bona-fide to discharge the liabilities of Respondent Company.
8. In accordance with Section 425(3) of the Companies Act, 2013, this Tribunal has the same jurisdiction, powers and authority in contempt matters as the Hon'ble High Courts under the Contempt of Courts Act, 1971.

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9. Further, Section 12 of the Contempt of Courts Act, 1971, empowers this Tribunal to punish contemnor with simple imprisonment for a term up to six months or a fine of up to ₹2,000/- or both.
10. The Respondent No.2/Contemnor has a history of non-compliance, previously penalized for similar disobedience. Despite past leniency, the Respondent's//Contemnor's repeated disregard for judicial directives undermines the Tribunal's authority, warranting stricter action. Therefore, taking into account the facts and circumstances of the case, including the degree of non-compliance, the nature of the breach of order, the Respondent No.2/Contemnor's explanation, the principles of proportionality. Further, considering the gravity of the Respondent's conduct, the persistent non-compliance with the Tribunal's order, and the need to uphold the dignity and authority of this Tribunal, the following punishment is deemed appropriate: -
- a. Mr. Jitendra Mukundrai Patel (Respondent No. 2/Contemnor) is sentenced to undergo simple imprisonment for a period of six(6) months and to pay a fine of Rs.2000/- (Rupees Two Thousand only) within seven (7) days from the date of this order.
- b. However, in the event of failure to pay the fine within the stipulated time, the Respondent No.2/Contemnor shall undergo simple imprisonment for an additional period of one month.
11. The operation of the order of sentence and imposition of fine will remain suspended till 24.02.2025. The Respondent No.2/Contemnor shall surrender before the Ld. Chief Judicial Magistrate / In-charge Chief Judicial Magistrate, Ahmedabad on 25.02.2025 for onward detention by sending in Sabarmati Central Jail, Ahmedabad to serve the sentence of imprisonment.



12. In the event the Respondent No.2/Contemnor fails to surrender on 25.02.2025 before the Learned Chief Judicial Magistrate / In-charge Chief Judicial Magistrate, Ahmedabad or does not produce any order of stay/suspension of sentence from a competent authority, the following actions shall ensue;-
- The Learned Chief Judicial Magistrate / In-charge Chief Judicial Magistrate shall issue a non-bailable warrant for the arrest of the Respondent No.2/Contemnor.
  - Upon arrest, the Respondent No.2/Contemnor shall be sent to Sabarmati Central Jail, Ahmedabad, through a Warrant of Commitment to execute the sentence of imprisonment in accordance with law.
13. The Learned Chief Judicial Magistrate / In-charge Chief Judicial Magistrate, Ahmedabad, is also directed to intimate this Tribunal in writing about the compliance of this order, including details of the surrender of Respondent No.2/Contemnor or any other steps taken in furtherance of the execution of the sentence.
14. The Deputy Registrar of this Tribunal is directed to forward a certified copy of this order as well as certified copy of order dated 17.01.2025 to the Learned Chief Judicial Magistrate / In-charge Chief Judicial Magistrate, Ahmedabad, forthwith for onward compliance of this order.
15. Accordingly, the **Contempt Application No.6 of 2017** in TP No.115/634A/NCLT/ AHM/ 2016 in CA No.90/634A/CLB/MB/2015 is disposed of in terms of the above directions.

  
SAMEER KAKAR  
MEMBER (TECHNICAL)

  
SHAMMI KHAN  
MEMBER (JUDICIAL)