

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Insolvency) No. 450 of 2025
& I.A. No. 1655, 1716 of 2025

IN THE MATTER OF:

Decode Resolvency International Pvt. Ltd

...Appellant

Versus

Prasun Kumar Roy & Anr.

One of the Suspended Directors of the Board

...Respondent

Present:

For Appellant: Mr. Ch. Dhilleshwara Rao, Advocate.

For Respondent: Mr. Sayan Banerjee, Advocate for R-1.

Ms. Archana Baghel, Advocate for R-2.

O R D E R
(Hybrid Mode)

01.05.2025: **I.A. No.1716 of 2025:** This is an application praying for condonation of 7 days delay in filing the appeal. Reasons for delay has been pleaded in Para 27 of the application, which are as follows:

“27. That it is most respectfully submitted that the delay in filing the appeal was neither willful nor intentional but was purely circumstantial. The directions of the Ld. AA were not known until the receipt of the order, following which a detailed review of the matter and extensive consultations were undertaken to determine the most appropriate course of action. This process required careful consideration of the substantial issues involved in the appeal and, consequently, took time to finalize. Furthermore, the delay was compounded by unavoidable procedural challenges that arose during the Christmas holiday

season, a period during which normal administrative functions were significantly impacted, despite our best efforts to expedite the process. These challenges, which were beyond our control, contributed to the delay. In light of the bona fide circumstances and the substantial issues raised in the appeal, it is humbly prayed that this Hon'ble Tribunal may be pleased to condone the delay of one day in the interest of justice and equity."

2. We find sufficient cause to condone the delay. 7 days' delay in filing the appeal is condoned. I.A. No.1716 of 2025 is disposed of.

3. Heard learned counsel for the Appellant, learned counsel appearing for Respondent No.1 and learned counsel for Respondent No.2. This appeal has been filed against order dated 21.11.2024 by which the Adjudicating Authority has directed the liquidator to deposit an amount of Rs.50,000/- from his own pocket for violating the orders. Present is a case where the Corporate Debtor was in CIRP and the employees were paid their salary till December, 2023. On 01.05.2024, order of liquidation was passed and on 10.05.2024 present Liquidator was appointed. The salary being not paid to the employees, the Adjudicating Authority passed an order on 23.09.2024 directing for payment of salary by 04.10.2024. Thereafter, certain correspondence took place between the Liquidator and the employees' representative. The Liquidator asked for details of payment and bank statement, which were responded by the employees' representative. Court again passed an order on 29.10.2024 giving further time to the Liquidator to

make payment and fixed the matter for 21.11.2024. When the matter was taken up on 21.11.2024, the Adjudicating Authority passed the impugned order.

4. Learned counsel for the Liquidator challenging the order submits that the Appellant did not receive the details of salary payments of the employees and further with regard to certain bank statements, they were received on 21.11.2024 in afternoon. It is submitted that the Appellant has already brought all issues before the Stakeholders Consultation Committee, which was taken note by the email sent by the Liquidator on 25.09.2024.

5. Learned counsel for the Respondent No.1 refuting the submissions of learned counsel for the Appellant contends that the employees were paid their salary by the Resolution Professional, which is matter of record and with regard to after information asked by the Liquidator, all details were given including the bank statement. It is submitted that details of 34 employees including bank statement was given, however, no payments were made by the liquidator. Hence, the Court has rightly passed the order.

6. We have considered the submissions of learned counsel for the parties and perused the record.

7. When the Court had issued direction to the Liquidator to release payment to the employees by 04.10.2024 and thereafter, again passed order on 29.10.2024, it was obligation of the Liquidator to make payment. The Liquidator is in possession of all relevant documents which reflect payments

made by the Resolution Professional. We, thus, are of the view that the Adjudicating Authority has not committed any error in issuing direction to the Liquidator to deposit an amount of Rs.50,000/-.

8. The mere fact that the Appellant has brought the order in the notice of the Stakeholders Consultation Committee, cannot absolve the obligation on part of the Liquidator of complying with the orders of the Court. Even if, bank details of all employees were not received by the Liquidator, at least details of 34 employees were submitted to the Liquidator and the Liquidator could have started making payment for at least those employees to show his bonafide. We are of the view that no grounds have been made out to interfere with the order passed by the Adjudicating Authority. Appeal is dismissed.

[Justice Ashok Bhushan]
Chairperson

[Barun Mitra]
Member (Technical)

[Arun Baroka]
Member (Technical)

Archana/nn