

**IN THE NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH-I, KOLKATA**

Contempt Application No. 05/KB/2022

in

I.A. (IB) No. 75/KB/2022

in

C.P. (IB) No. 295/KB/2021

An application under section 425 of the Companies Act, 2013 read with rule 11 of the National Company Law Tribunal Rules, 2016 and section 12 of the Contempt of Courts Act, 1971.

C.P. (IB) No.295/KB/2021

In the matter of:

Reserve Bank of India

...

Appropriate Regulator

Versus

SREI Infrastructure Finance Limited ...

Financial Service Provider

Contempt Petition No.05/KB/2022

In the matter of:

Hemant Kanoria

...

Applicant

Versus

1. Punjab & Sind Bank
 2. Mr. S. Krishnan, MD & CEO of Punjab & Sind Bank
 3. Kollegal V Raghavendra, Executive Director of Punjab & Sind Bank
 4. Dr. Ram Jass Yadav, Executive of Punjab & Sind Bank
 5. Lalit Kumar Sharma, DGM, Punjab & Sind Bank
 6. Saket Mehrotra, Company Secretary, Punjab & Sind Bank
 7. UCO Bank
 8. Axis Bank Limited
- ...
- Respondents

Order reserved on: 28 April 2022

Order pronounced on: 17 May 2022

Coram:

Shri Rajasekhar V.K.

:

Member (Judicial)

Shri Balraj Joshi

:

Member (Technical)

Appearances (through hybrid mode):

For the Applicant

:

Mr. Ratnanko Banerji, Sr Advocate
Mr. Rishav Banerjee, Advocate

For Administrator, SIFL

:

Mr. Soumyajit Mishra, Advocate

For Respondent Nos.1, 7 & 8

:

Mr. Abhinav Vasisht, Sr Advocate
Mr. Saurav Panda, Advocate
Mr. Vishrut Kansal, Advocate

For the other respondents : No representation

ORDER

Balraj Joshi, Member (Technical):

1. This Court convened through hybrid mode.
2. The Contempt Petition No.05/KB/2022 has been filed by Mr. Hemant Kanoria shareholder of SREI Infrastructure Finance Limited (“SIFL”) and SREI Equipment Finance Limited (“SEFL”) and a member of the erstwhile Board of Directors of SREI Infrastructure Finance Limited under section 425 of the Companies Act, 2013 against Respondent Nos. 1 to 6 for alleged wilful, deliberate and contumacious violation of the order dated 07 February 2022 passed by this Adjudicating Authority in IA (IB) No.75/KB/2022 in CP (IB) No. 295/KB/2021.
3. The Applicant had filed IA (IB) No.75/KB/2022 in the context of the forensic audit conducted by KPMG Assurance and Consulting Services LLP (“KPMG”).
4. During the hearing of IA (IB) No.75/KB/2022, it was disclosed that KPMG had prepared and submitted the report which had already been circulated. This Adjudicating Authority *vide* order dated 07 February 2022 directed that there shall be no further dissemination of the report submitted by KPMG.
5. It is the case of the Applicant that despite the order of this Adjudicating Authority, the Respondent No.1, being one of the Financial Creditors of SEFL and SIFL, declared the accounts of SIFL and SEFL as “fraud accounts” on the basis of the KPMG report, which is the subject matter that is under challenge in IA (IB) No.75/KB/2022.
6. Mr. Ratnanko Banerji, Learned Senior Counsel submitted that the Respondent No. 1 along with the other Respondents are in wilful disobedience of the order dated 07 February 2022 by declaring the account of the SIFL and SEFL as fraud accounts and have reported such declaration to BSE Limited and the

National Stock Exchange of India Limited by letter No. PSB/HO/Shares Cell/
19/2022-23 dated 19 April 2022.

7. Hence, the Applicant has filed the present Contempt Petition against the Respondents.
8. We have heard the Learned Senior Counsel appearing for the Applicant and the learned Senior Counsel appearing on behalf of the Respondents.
9. The order dated 07 February 2022 directed that “*there shall be no further dissemination of the Report until this Application is disposed of.*”
10. We had restricted the parties from circulating the report submitted by KPMG any further. The Id. Counsel for the respondent has rightly contended that Respondent No.1 has only utilized the information given in the report submitted by KPMG and has arrived at a result. The Respondent No.1 along with the other Respondents have in no way circulated the KPMG report any further, but have instead analysed the report and acted in furtherance thereof. Therefore, we are of the view that the Respondents are not in violation of the order dated 07 February 2022. In view of the above observations, Contempt Petition No.05/KB/2022 is hereby dismissed.
11. The Registry is directed to send e-mail copies of the order forthwith to all the parties and their Ld. Counsel for information and for taking necessary steps.
12. Certified copy of this order may be issued, if applied for, upon compliance of all requisite formalities

Balraj Joshi
Member (Technical)

Rajasekhar V.K.
Member (Judicial)

17 May 2022

GGRB (LRA)