



DIVISION BENCH
COURT - II

P-106

**NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA**

C.P. (IB)/10(KB)2025

**CORAM: 1. HON'BLE MEMBER(J), SHRI LABH SINGH
2. HON'BLE MEMBER(T), MS. REKHA KANTILAL SHAH**

ORDER SHEET OF THE HEARING ON 27th NOVEMBER 2025

IN THE MATTER OF	SREI EQUIPMENT FINANCE LIMITED VS SAMSARA ENERGY LIMITED
UNDER SECTION	IBC under Sec 7

Counsel appeared through physically or virtually

Mr. Sankarsan Sarkar, Adv.] For the Financial Creditor
Mr. Aditya Kanodia, Adv.]
Mr. Tanmoy Sett, Adv.]
Ms. Suparna Sardar, Adv.]
Mr. Pratik Dutta, Adv.]

Mr. Rishad Medora, Adv.] For Corporate Debtor
Mr. Abhirup Chakraborty.]
Ms. Priyanka Mitra, Adv.]

O R D E R

Ld. Counsel for Corporate Debtor stated that a copy of the reply affidavit could not be uploaded on the e-portal of this Tribunal due to the wrong email Id provided by the petitioner. This Tribunal directed Learned Counsel for Corporate Debtor to hand over the copy of the reply affidavit to the Court Master. However, she stated that the hardcopy of the reply affidavit is not with her.



Ld. Counsel submits that reply affidavit was affirmed in Gujrat. She is not sure whether it is hardcopy in Gujrat or in Delhi. Let the hardcopy of the reply affidavit be placed on record before this Tribunal in open court on 04.12.2025. If no hardcopy is brought on the date fixed, it will be presumed that no effort has been made to file the reply affidavit. Accordingly, this stage of filing the reply affidavit will be closed on the date fixed.

List this matter for filing of hard copy of reply affidavit on 04.12.2025.

During hearing of the present matter, Mr. Subrato Ghosh, Insolvency Professional, appeared in vest(undergarment) before this Tribunal. This Bench of the Tribunal is being presided over Member(Judicial) and Member(Technical). Mr. Subrato Ghosh is well aware that young lawyers, most of whom are girls, are appearing before This Tribunal on a regular basis and like our children.

We are of the view that Mr. Subarto Ghosh has appeared before this Tribunal intentionally to insult the Bench when the matter was being taken up for hearing in presence of women Members of the Bench, Staff and Bar.

This Tribunal is not left powerless to deal with such an activities of such persons appearing before this Tribunal and provision of Section 425 provides a remedy for the same to



punish for contempt. Before we refer to the provision of Section 425 of the Companies Act 2013, it is relevant to refer to the provision of Contempt of Court Act 1971. The relevant provision of Section 2(c)(i) of the Contempt of Court Act is being reproduced as under:

“2. Definitions.—In this Act, unless the context otherwise requires,—

- a) “contempt of court” means civil contempt or criminal contempt;*
- b) “civil contempt” means wilful disobedience to any judgment, decree, direction, order, writ or other process of a court or wilful breach of an undertaking given to a court;*
- c) “criminal contempt” means the publication (whether by words, spoken or written, or by signs, or by visible representations, or otherwise) of any matter or the doing of any other act whatsoever which—*
 - (i) scandalises or tends to scandalise, or lowers or tends to lower the authority of, any court; or*
 - (ii) prejudices, or interferes or tends to interfere with, the due course of any judicial proceeding; or*
 - (iii) interferes or tends to interfere with, or obstructs or tends to obstruct, the administration of justice in any other manner;*
- (d) “High Court” means the High Court for a State or a Union territory, and includes the court of the Judicial Commissioner in any Union territory”.*



Now, it would be relevant to refer to provision of Section 425 of the Companies Act 2013 and the relevant provision of Section 425 of the Companies Act 2013 which provides as under:

“425: Power to punish for contempt:

The Tribunal and the Appellate Tribunal shall have the same jurisdiction, powers and authority in respect of contempt of themselves as the High Court has and may exercise, for this purpose, the powers under the provisions of the Contempt of Courts Act, 1971 (70 of 1971), which shall have the effect subject to modifications that—

*(a) the reference therein to a High Court shall be construed as including a reference to **the Tribunal and the Appellate Tribunal**; and*

(b) the reference to Advocate-General in section 15 of the said Act shall be construed as a reference to such Law Officers as the Central Government may, specify in this behalf.

Thus, appearing in a baniyan (vest/undershirt) before a court in amounts to contempt as defined in Section 2 (c)(i) of the Contempt of Court Act 1971. The said act of Mr. Subrato Ghosh, Insolvency Professional violates basic courtroom decorum and professional standards and insult to this Tribunal which is a court for the purpose of judicial proceedings.

It is our duty to maintain decorum of the court during judicial proceedings and no one can be allowed to misuse the liberty granted to him to appear in undergarment through



virtual mode and such a flagrant violations of professional ethics and cultured conduct will result in ultimate destruction of a system without which no democracy could survive as held by Hon'ble Apex Court in case of *R K Garg Vesus State of Himachal Pradesh AIR 1981 SC 112*.

Therefore, in view of the above, we issue show cause notice upon Mr. Subrato Ghosh, Insolvency Professional to reply why proceeding for criminal contempt under Section 2(c)(i) of the Contempt of Court Act 1971 should not be initiated against him ; and

Mr. Subrato Ghosh, Insolvency Professional is further directed to show cause why his matter should not be referred to Insolvency and Bankruptcy Board of India for disciplinary action under the relevant provision of law applicable on him.

The reply to show cause notice be filed or before the date fixed.

Rekha Kantilal Shah
Member(Technical)

Labh Singh
Member(Judicial)