

**IN THE NATIONAL COMPANY LAW TRIBUNAL  
DIVISION BENCH, CHENNAI**

**Comp/1/2019**

**In**

**CP/616/IB/CB/2018**

*Under Section 425 of the Companies Act, 2013*

**In the matter of M/s. Sun Paper Mills Limited**

**M/s. Agarwal Coal Corporation Private Limited**

---Applicant/OC

V/s

**Mrs. J. Karthiga, RP**

*For M/s. Sun Paper Mill Limited*

---Respondent-1

**M/s. Sun Paper Mill Limited**

---Respondent-2/CD

**M/s. Indian Bank**

---Respondent-3/CoC

**Order delivered on: 14.03.2019**

**Coram:**

**B. S.V. PRAKASH KUMAR, MEMBER (JUDICIAL)**

**S. VIJAYARAGHAVAN, MEMBER (TECHNICAL)**

For the Petitioner (OC) : *Shri. N K Bhansali, PCS*

For the Respondent-1 : *Shri. B. Dhanaraj, Advocate*

For the Respondent-2 : *Shri. Om Prakash, Sr. Advocate*

*For Pass Associate*

**ORDER**

**Per: B. S.V. PRAKASH KUMAR, MEMBER (JUDICIAL)**


**Heard and Order pronounced on: 05.03.2019**

As to this Contempt Application, it is filed by the Operational Creditor invoking jurisdiction u/s 425 of the Companies Act, 2013 against the Resolution Professional, Committee of Creditors and all other Respondents.

2. Before going into the merit of this application, it is imperative to determine as to whether or not contempt jurisdiction given u/s 425 of the Companies Act, 2013 could be extended to the cases dealt with under The Insolvency and Bankruptcy Code.
3. Normally contempt jurisdiction lies with Hon'ble Supreme Court of India and Hon'ble High Courts because it is an extraordinary jurisdiction conceived under Constitution of India. Such jurisdiction whenever has been given to any authority, it has been given with explicit mandate to uphold the majesty of the Courts, even when it has been endowed upon NCLT and NCLAT under the Companies Act, 2013, it has been explicitly enunciated under section 425 of the Companies Act 2013 saying that the provisions of the Contempt of Courts Act applicable to NCLT and NCLAT.

4. Now this applicant has filed this application asking us to invoke contempt jurisdiction in IBC case by borrowing it from section 425 of the Companies Act, 2013.
5. It is pertinent to mention as to applicability of Companies Act, 2013 provisions to IBC, it has been explicitly amended under the Companies Act as well as under IBC as Eleventh Schedule, but as to applicability of this section, there is no whisper anywhere saying that contempt jurisdiction is applicable to IBC as well.
6. If an Authority designated under one enactment is conferred with powers to adjudicate cases under another enactment, it cannot be assumed that all powers conferred under earlier enactment could be exercisable as an Adjudicating Authority under other enactment unless explicitly such power is conferred upon Adjudicating Authority under the respective enactment.
7. In view of the same, this Bench cannot stretch out contempt jurisdiction to IBC matters because such jurisdiction has not been conferred upon this Adjudicating Authority.

8. Accordingly, this Bench without going into merit of the application, this application is hereby **dismissed in limine**.

  
**(S. VIJAYARAGHAVAN)**  
**MEMBER (Technical)**

  
**(B. S.V. PRAKASH KUMAR)**  
**MEMBER (Judicial)**

vs