

26.07.2023

**Indra Duggal Vs. Chandigarh Overseas Pvt. Ltd. & Ors.**

Present: 1. None for the complainant.  
2. Sh. Vipul Monga, Advocate for the respondent no.1.  
3. Respondent No. 2 exparte.

No one attended today's proceedings for complainant. However, Ld. Counsel for the respondent stated that vide order dated 27.02.2023 in **IA No. 529/2023 and CP(IB) No. 248/Chd/Chd/2019** passed by The National Company Law Tribunal (NCLT), Chandigarh Bench, Chandigarh moratorium had already been imposed upon the respondent and he requested for adjourning the matter *sine die*. He has drawn the attention of this Authority towards the relevant portion of the order titled as "**Kone Elevator India Pvt. Ltd. Vs. Chandigarh Overseas Pvt. Ltd.**" whereby following prohibitions have been ordered: -

"18. We declare the moratorium in terms of sub-section (1) of Section 14 of the Code, as under:-

- (a) The institution of suits or continuation of pending suits or proceedings against the respondent including execution of any judgment, decree or order in any court of law, tribunal, arbitration panel or other authority;
- (b) ...
- (c) ...
- (d) .."

It is further stated by him that an appeal against the above order was preferred by the respondent before Ld. National Company Law Appellate Tribunal, Principal Bench, New Delhi vide **Company Appeal (AT) (Insolvency) No. 262/2023** but the same was dismissed by it. Subsequently, respondent approached Hon'ble Supreme Court vide **Civil Appeal No. 4267/2023 titled as Tejinder Pal Setia Vs. Kone Elevator India Pvt. Ltd. & Ors.** which was also dismissed by the Hon'ble Apex Court.

In view of the above bar, the complaint is adjourned *sine die*. Parties will be at liberty to submit an application for resumption of proceedings as and when the moratorium imposed by the NCLT is vacated.


Complainant be informed accordingly.



(Ajay Pal Singh)  
Member



(Satya Gopal)  
Chairperson



(Rakesh Kumar Goyal)  
Member