

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2021
[Diary No. 5221 of 2021]

RAJEEV SABHARWAL & ANR.

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

WITH

CIVIL APPEAL NO. OF 2021
[Diary No. 5593 of 2021]

O R D E R

Permission to file appeals is granted.

Heard learned counsel for the parties.

We decline to interfere in these appeals as the same are directed against interlocutory order passed by the National Company Law Appellate Tribunal (in short, "NCLAT").

Considering the nature of controversy, it is appropriate that the main proceedings pending before the National Company Law Tribunal (in short, "NCLT") are disposed of expeditiously. The NCLT may endeavour to finally dispose of the main proceedings within 4(four) months from receipt of copy of this order. The parties

through learned counsel have assured to extend full cooperation to the NCLT for early disposal of the case.

Mr. Neeraj Kishan Kaul, learned senior counsel appearing for the appellant(s) in Civil Appeal arising from Diary No. 5593 of 2021, would submit that he is representing the newly elected committee which had taken over the charge of office in October, 2020; and had nothing to do with the alleged acts of commission and omission referred to in different reports and subject matter before the NCLT. We need not elaborate on this aspect.

We permit the appellant(s) to move a formal application before the NCLT in the pending proceedings for permitting them to participate in the proceedings and to bring on record the relevant fact and material as may be deemed appropriate. That plea can be considered by the NCLT on its own merits and in accordance with law.

Needless to observe that rejection of these appeals does not mean that the NCLT can decide the matter(s) on the basis of *prima facie* finding/opinion recorded by itself and by the NCLAT in the impugned judgment(s).

Those findings/observations shall not come in the way of any party. Instead, the NCLT must decide the entire matter(s) afresh on all contentions available to both parties without being influenced by any findings and observations in the earlier decision or the fact of rejection of these appeals.

Dr. Abhishek M. Singhvi, learned senior counsel appearing for the appellant(s) in Civil Appeal arising from Diary No. 5221 of 2021, submits that to enable the appellant(s) to effectively defend the proceedings, it is essential that they should be provided with all the relevant documents which are in exclusive custody of the administration, presently the Court appointed Administrator.

The appellant(s) may make a formal application to the management of the Club in that regard within one week from today – for furnishing certain documents or for allowing them to take inspection, as the case may be, which application can be decided by the appropriate authority of the Club in accordance with law. We clarify that giving this liberty is not an expression of opinion that the appellant(s) have a right to get copy of the

document(s) or to take inspection. As aforesaid, that request be decided on the basis of applicable norms, conventions, Byelaws and rules.

It was suggested by Mr. Neeraj Kishan Kaul, learned senior counsel appearing for the appellant(s) in Civil Appeal arising from Diary No. 5593 of 2021 that if the NCLT is not in a position to dispose of the main proceedings in the timeline specified in this order, the administrator be directed to take necessary steps for installing the duly elected committee by conducting elections after 4(four) months.

We accede to this request. The administrator may do the needful.

It is, however, noted that, in case, if the NCLT is of the opinion that if any party is not cooperating in early disposal of the case, that factual aspect be placed on record, so that appropriate direction can be issued by this Court, if and when required, including for extending the time frame for conducting the election depending upon the nature of grievance or allegation in that regard.

The appeals are disposed of in the above terms.

Pending applications, if any, stand disposed of.

....., J.
(A.M. KHANWILKAR)

....., J.
(DINESH MAHESHWARI)

....., J.
(C.T. RAVIKUMAR)

NEW DELHI;
September 30, 2021.

ITEM NO.1 Court 3 (Video Conferencing) SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL Diary No(s) . 5221/2021

(Arising out of impugned final judgment and order dated 15-02-2021 in CAAT No. 94/2020 15-02-2021 in CAAT No. 95/2020 passed by the National Company Law Appellate Tribunal)

RAJEEV SABHARWAL & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No.30433/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.30434/2021-EXEMPTION FROM FILING AFFIDAVIT and IA No.30428/2021-PERMISSION TO FILE APPEAL and IA No.30432/2021-APPROPRIATE ORDERS/DIRECTIONS)

WITH

Diary No(s) . 5593/2021 (XVII)

(IA No.32684/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.32682/2021-STAY APPLICATION and IA No.32681/2021-PERMISSION TO FILE APPEAL)

C.A. No. 2856/2021 (XVII)

(IA No.84756/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.84755/2021-APPROPRIATE ORDERS/DIRECTIONS and IA No.86408/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 30-09-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE MR. JUSTICE DINESH MAHESHWARI

HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For parties:

Dr. Abhishek Manu Singhvi, Adv.
Mr. Saket Sikri, Adv.
Mr. Avishkar Singhvi, Adv
Mr. Ranjeeta Rohatgi, AOR
Mr. Nipun Katyal, Adv.
Mr. Nikhil Singhvi, Adv.
Mr. Vikalp Mudgal, Adv.

Mr. Arun Kathpalia, Sr. Adv.
Mr. Neeraj Kishan Kaul, Sr. Adv.
Mr. Ritin Rai, Sr. Adv.
Ms. Ruby Singh Ahuja, Adv.
Mr. Gaurav Liberhan, Adv.
Mr. Jatin Mongia, Adv.
Ms. Deepti Sarin, Adv.

Ms. Tahira Karanjawala, Adv.
Mr. Anmol Jassal, Adv.
Mr. Vasu Singh, Adv.
M/S. Karanjawala & Co., AOR

Mr. Harish Salve, Sr. Adv.
Mr. Rakesh Dwivedi, Sr. Adv.
Mr. Ramji Srinivasan, Sr. Adv.
Ms. Gauri Rasgotra, Adv.
Mr. Vikas Kumar Jha, Adv.
Ms. Nikitha Shenoy, Adv.
Mr. Yash Johri, Adv.
Mr. Eklavya Dwivedi, Adv.
Ms. Rajshree Choudhary, Adv.
M/S. Karanjawala & Co., AOR

Ms. Rohini Musa, AOR

Mr. Siddharth Batra, AOR
Mr. Pulkit Deora, Adv.
Ms. Archana Yadav, Adv.
Ms. Shivani Chawla, Adv.

Mr. Tushar Mehta, SGI
Mr. K.M. Nataraj, ASG
Mr. Kanu Agarwal, Adv.
Ms. Neela Kedar Gokhale, Adv.
Mr. Sughosh Subramaniam, Adv.
Mr. Akshay Amritanshu, Adv.
Mr. Arvind Kumar Sharma, AOR

M/S. Cyril Amarchand Mangaldas Aor, AOR

UPON hearing the counsel the Court made the following
O R D E R

Diary Nos. 5221 and 5593 of 2021

Permission to file appeals is granted.

The civil appeals are disposed of in terms of the signed order.

Pending applications, if any, stand disposed of.

C.A. No. 2856/2021

List this matter on 27.10.2021.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)

[Signed order is placed on the file]