

ITEM NO.13

COURT NO.1

SECTION XVII

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

CONMT.PET.(C) No.1195/2023 In C.A. No.6108/2023

ORBIT ELECTRICALS PRIVATE LIMITED

Petitioner(s)

VERSUS

DEEPAK KISHAN CHHABRIA AND ANR & ANR.

Respondent(s)

Date : 13-10-2023 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE J.B. PARDIWALA  
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. Neeraj Kishan Kaul, Sr. Adv.  
Mr. Abhinav Agrawal, AOR  
Mr. Shikhil Suri, Adv.  
Mr. Ankur Saigal, Adv.

For Respondent(s) Dr. Abhishek Manu Singhvi, Sr. Adv.  
Mr. E.C. Agrawala, AOR

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

1 In the course of the morning session today, the following order was passed by this Court:

"1 The order passed by this Court on 20 September 2023 sets aside the order of the NCLAT to the extent that it directed the restoration of the status quo ante at a stage

when the arguments were concluded and the matter was reserved for judgment. However, this Court observed that all actions which may be taken would abide by the final result of the proceedings before NCLAT.

- 2 We are prima facie of the view that the mandate of the order cannot be defeated by deferring the declaration of the result till a judgment is rendered by NCLAT.
- 3 We accordingly issue notice returnable on 30 October 2023.
- 4 Subject to such further directions as may be issued by this Court, personal presence of the contemnor(s) is presently dispensed with.
- 5 The scrutinizer shall, in compliance with the order of this Court proceed to declare the result of the Annual General Meeting which was held on 29 September 2023 forthwith.
- 6 The NCLAT shall proceed to declare its judgment in the pending appeal after it is duly apprised of the fact that the result of the Annual General Meeting has been declared."

2 The above order of this Court was uploaded at 1.55 pm this afternoon.

3 Mr Neeraj Kishan Kaul and Dr Abhishek Manu Singhvi, senior counsel and Mr Shikhil Suri, counsel joined in stating that counsel, Mr Ankur Saigal (who is personally present before this Court) produced the order of this Court before the National Company Law Appellate Tribunal (NCLAT) at 2 pm with a request that the judgment should not be delivered until report of the scrutinizer is made available.

4 The Court has been apprised of the fact that the Bench of the NCLAT consisting of Mr Rakesh Kumar and Dr Alok Srivastava proceeded to deliver the order. If what is stated is correct, this will clearly constitute the defiance

of the order of this Court by the NCLAT.

- 5 At this stage we are not commenting on the merits of the submissions which have been made.
- 6 The Court is apprised that the scrutinizer report was uploaded at 2.40 pm.
- 7 We direct that an enquiry shall be conducted on the above allegations by the Chairperson of the NCLAT. A report shall be submitted before this Court by 5 pm on 16 October 2023 after specifically verifying the facts from the Judges who constituted the Bench of the NCLAT.
- 8 The Chairperson of the NCLAT shall specifically verify:
  - (i) That the order of this Court dated 13 October 2023 passed in the morning session was drawn to the attention of the two Judges;
  - (ii) If that is so, the circumstances in which the Judges proceeded to pronounce the judgment despite the clear mandate of the order of this Court which was passed in the morning session.
- 9 We are passing this order in extraordinary circumstances, upon an urgent mentioning being made in that regard.
- 10 List the Contempt Petition on 17 October 2023.

**(CHETAN KUMAR)**  
**A.R. - cum - P.S.**

**(SAROJ KUMARI GAUR)**  
**Assistant Registrar**

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S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

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ORBIT ELECTRICALS PRIVATE LIMITED

Petitioner(s)

VERSUS

DEEPAK KISHAN CHHABRIA AND ANR &amp; ANR.

Respondent(s)

(FOR ADMISSION )

Date : 13-10-2023 This petition was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE J.B. PARDIWALA  
HON'BLE MR. JUSTICE MANOJ MISRAFor Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.  
Mr. Neeraj Kishan Kaul, Sr. Adv.  
Mr. Abhinav Agrawal, AOR  
Mr. Shikhil Suri, Adv.For Respondent(s) Mr. Shyam Divan, Sr. Adv.  
Mr. Ramji Srinivasan, Sr. Adv.  
Mr. Amit Jajoo, Adv.  
Mr. Malak Mnaish Bhatt, AOR  
Ms. Sushmita Gandhi, Adv.  
Ms. Vatsala Pant, Adv.  
Mr. Mandeep Singh, Adv.Dr. A.M. Singhvi, Sr. Adv.  
Mr. E.C. Agrawala, Adv.  
Mr. Mahesh Agrawal, Adv.UPON hearing the counsel the Court made the following  
O R D E R

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**(GULSHAN KUMAR ARORA)**  
**AR-CUM-PS**

**(SAROJ KUMARI GAUR)**  
**ASSISTANT REGISTRAR**