
(2021) 04 NCLAT CK 0018

National Company Law Appellate Tribunal New Delhi

Case No: Company Appeal (AT) (Insolvency) No. 575, 576 Of 2019

Directorate Of
Enforcement

APPELLANT

Vs

Manoj Kumar Agarwal
And Ors.

RESPONDENT

Date of Decision: April 9, 2021

Acts Referred:

Insolvency And Bankruptcy Board Of India (Insolvency Resolution Process For Corporate Persons) Regulations, 2016 " Regulation 27, 32(a), 32(b), 32(c), 32(d), 32(e), 32(f), 35, 36, 36(h), 40A#Insolvency And Bankruptcy Board Of India (Liquidation Process) Regulations, 2016 " Regulation 9, 32A, 34, 35, 47#Constitution Of India, 1950 " Article 14, 19(1)(g), 21, 32, 50, 323-B, 233(2), 226#Insolvency And Bankruptcy Code, 2016 " Section 3(27), 4, 5(20), 5(21), 7, 8(2), 9, 10, 11, 12A, 14, 14(1)(a), 14(1)(b), 17, 18, 18(1)(f), 18(f)(vi), 20, 20(1), 23, 25, 25(1), 25(2)(b), 29A, 31, 32A, 34(2), 35(1)(b), 60(2), 60(4), 60(5), 60(5)(c), 63, 179, 238#Prevention Of Corruption Act, 1988 " Section 13(1)(d), 13(2)#Indian Penal Code, 1860 " Section 120B, 193, 228, 420, 467, 468, 471#Prevention Of Money-Laundering Act, 2002 " Section 2(u), 5, 5(1), 6, 8, 8(3), 8(4), 8(5), 8(6), 8(7), 9, 11, 26, 41, 42, 47, 58B(5), 58B(6), 58B(7), 60(2A), 71#Income Tax Act, 1961 " Section 260A#Limited Liability Partnership Act, 2008 " Section 2(j)#Companies Act, 2013 " Section 2(60)#Code Of Criminal Procedure, 1973 " Section 44, 45, 46#Negotiable Instruments Act, 1881 " Section 138

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Hon'ble Judges: A.I.S. Cheema, J; Dr. Alok Srivastava, Member (Technical)

Bench: Division Bench

Advocate: Zoheb Hossain, Nitesh Rana (SPP), Ali Khan, Agni Sen, Aslam Khan, Abhijeet Sinha, Rajendra Beniwal, Kumar Sumit, Chirag Gupta, Arijit Mazumdar, Shambo Nandy, Manoj Kumar Agarwal, Udit Singh, Siddharth Chechani

Final Decision: Dismissed

Judgement