

ITEM NO.1501
(for Judgment)

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 No(s). 10355/2018

P. MOHANRAJ & ORS.

Appellant(s)

VERSUS

M/S. SHAH BROTHERS ISPAT PVT. LTD.

Respondent(s)

([HEARD BY: HON. ROHINTON FALI NARIMAN, HON. NAVIN SINHA AND HON. K.M. JOSEPH, JJ.])

WITH

Diary No(s). 32585/2019 (II-C)

SLP(Cr1) No. 10587/2019 (II-B)

SLP(Cr1) No. 10857/2019 (II-B)

SLP(Cr1) No. 10550/2019 (II-B)

SLP(Cr1) No. 10858/2019 (II-B)

SLP(Cr1) No. 10860/2019 (II-B)

SLP(Cr1) No. 10861/2019 (II-B)

SLP(Cr1) No. 10446/2019 (II-B)

SLP(Cr1) No. 2246-2247/2020 (II-C)

SLP(Cr1) No. 2496/2020 (II-B)

SLP(Cr1) No. 3500/2020 (II-C)

W.P.(Cr1.) No. 330/2020 (X)

W.P.(Cr1.) No. 339/2020 (X)

W.P.(C) No. 982/2020 (X)

W.P.(Cr1.) No. 297/2020 (X)

W.P.(Cr1.) No. 342/2020 (X)

SLP(Cr1) No. 5638-5651/2020 (II-C)

SLP(Cr1) No. 5653-5668/2020 (II-C)

W.P.(C) No. 1417/2020 (X)

W.P.(C) No. 1439/2020 (X)

W.P.(C) No. 18/2021 (X)

W.P.(Cr1.) No. 9/2021 (X)

W.P.(Cr1.) No. 26/2021 (X)

Date : 01-03-2021 These matters were called on for pronouncement of judgment today.

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Hon'ble Mr. Justice R.F. Nariman pronounced the reportable judgment of the Bench comprising His Lordship, Hon'ble Mr. Justice Navin Sinha and Hon'ble Mr. Justice K.M. Joseph.

Civil Appeal No(s). 10355/2018

The civil appeal is allowed in terms of the signed reportable judgment.

SLP (Criminal) Diary No.32585 of 2019:

Delay condoned. Leave granted.

The appeal is allowed in terms of the signed reportable judgment.

SLP (Criminal) Nos.10587/2019, 10857/2019, 10550/2019, 10858/2019, 10860/2019, 10861/2019, 10446/2019:

Leave granted.

The appeals are dismissed in terms of the signed reportable judgment.

SLP (Criminal) Nos.2246-2247 of 2020:

Leave granted.

The appeal(s) is/are dismissed in terms of the signed reportable judgment.

SLP (Criminal) No.2496 of 2020:

Leave granted.

The impugned judgment is set aside in view of our judgment in

Civil Appeal No.10355 of 2018, and the complaint is directed to be continued against the Managing Director and Director, respectively in terms of the signed reportable judgment.

SLP (Criminal) No.3500 of 2020:

Leave granted.

The impugned judgment is set aside in view of our judgment in Civil Appeal No.10355 of 2018, and the complaint is directed to be continued against the appellant in terms of the signed reportable judgment.

SLP (Criminal) No.5638-5651/2020, 5653-5668/2020:

Leave granted.

While setting aside the impugned judgments, given our judgment in Civil Appeal No.10355 of 2018, we remand these cases to the Magistrate to apply the law laid down by us in Civil Appeal No.10355 of 2018, and thereafter decide all other points that may arise in these cases in accordance with law in terms of the signed reportable judgment.

Writ Petition (Criminal) Nos.330/2020, 339/2020, Writ Petition (Civil) No.982/2020, Writ Petition (Criminal) Nos.297/2020, 342/2020, Writ Petition (Civil) No.1417/2020, 1439/2020, 18/2021, Writ Petition (Criminal) No.9/2021, 26/2021:

Given our judgment in Civil Appeal No.10355 of 2018, all these writ petitions have to be dismissed in view of the fact that such proceedings can continue against erstwhile Directors/persons in

charge of and responsible for the conduct of the business of the corporate debtor in terms of the signed reportable judgment.

Pending applications, if any, stand disposed of.

(R. NATARAJAN)

ASTT. REGISTRAR-cum-PS

(Signed reportable judgment is placed on the file)

(NISHA TRIPATHI)

COURT MASTER (NSH)