

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO(S).6169/2024

KANORIA ENERGY AND INFRASTRUCTURE LIMITED

APPELLANT(S)

VERSUS

AVISHEK GUPTA & ORS.

RESPONDENT(S)

O R D E R

After having heard the learned senior counsel appearing for the appellant and after perusing the impugned judgment, we concur with the view taken by the National Company Law Appellate Tribunal.

The Appeal is, accordingly, dismissed.

.....J.
(ABHAY S. OKA)

.....J.
(AUGUSTINE GEORGE MASIH)

**NEW DELHI;
SEPTEMBER 27, 2024.**

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).6169/2024

KANORIA ENERGY AND INFRASTRUCTURE LIMITED

APPELLANT(S)

VERSUS

AVISHEK GUPTA & ORS.

RESPONDENT(S)

(FOR ADMISSION and IA No.115303/2024-INTERVENTION/IMPLEADMENT)

WITH

Diary No(s). 16513/2024 (XVII)

(IA No. 145515/2024 - CONDONATION OF DELAY IN REFILING/CURING THE DEFECTS AND IA No. 145514/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA NO.149426/2024-PERMISSION TO FILE ADDITIONAL DOCUMENTS)

Diary No(s). 23764/2024 (XVII)

(IA No.147481/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.147480/2024-STAY APPLICATION and IA No.147478/2024-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

Diary No(s). 23776/2024 (XVII)

(IA No. 147778/2024 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS, IA No. 147779/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA No. 147780/2024 - STAY APPLICATION AND IA NO.149354/2024-PERMISSION TO FILE ADDITIONAL DOCUMENTS)

Date : 27-09-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Appellant(s)

Mr. Siddharth Bhatnagar, Sr. Adv.

Ms. Sonia Dube, Adv.

Mr. Shatadru Chakraborty, Adv.

Ms. Kanchan Yadav, Adv.

Ms. Saumya Sharma, Adv.

Mr. Tanishq Sharma, Adv.

Ms. Pracheta Kar, Adv.

Mr. Nadeem Afroz, Adv.

Mr. Aditya Sidhra, Adv.

M/S. Legal Options, AOR

Mr. Navin Pahwa, Sr. Adv.

Mr. D.S. Naidu, Sr. Adv.

Ms. Srishti Juneja, Adv.
Ms. Pallavi Langar, AOR

For Respondent(s)

Mr. Gopal Jain, Sr. Adv.
Mr. Raunak Dhillon, Adv.
Mr. Nihaad Dewan, Adv.
Ms. Suvarna Kashyap, Adv.
Mr. Rochit Bakliwal, Adv.
M/S. Cyril Amarchand Mangaldas, AOR

Mr. Ramji Srinivasan, Sr. Adv.
Ms. Mahima Singh, Adv.
Ms. Shruti Pandey, Adv.
Ms. Shreya Mahalwar, Adv.
Mr. Avinash B. Amarnath, AOR

Mr. Joy Saha, Sr. Adv.
Mr. Sidhartha Sharma, Adv.
Mr. Arjun Asthana, Adv.
Ms. Shalini Basu, Adv.
Mr. Arup Banerjee, AOR

Mr. Shyam Divan, Sr. Adv.
Mr. Joy Saha, Sr. Adv.
Mr. Sidhartha Sharma, Adv.
Mr. Arjun Asthana, Adv.
Ms. Shalini Basu, Adv.
Mr. Arup Banerjee, AOR
Mr. Amit Kumar Upadhyay, Adv.

Mr. Prakash Sharma, Adv.

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

CIVIL APPEAL NO.6169/2024 [ITEM NO.26]

The Appeal is dismissed in terms of the signed order.

Application seeking impleadment stands disposed of
accordingly.

DIARY NO. 16513/2024 [ITEM NO.26.1]

To be heard along with Diary Nos.23764/2024 and 23776/2024.

There is a suppression of material facts by the appellant in both the Appeals. The appellant has adopted an adventurous approach by filing an affidavit running into 19 pages and annexing documents running into more than 300 pages to explain the conduct of suppression of facts. An affidavit was supposed to be filed in terms of the earlier order to explain the conduct of suppression of material facts. Though we are of the clear view that there is suppression of material facts, by filing an affidavit of one Krishna Kumar Pandey, the conduct of suppression of material facts has been fully justified. This is a brazen conduct. Normally, such litigants have no place before the Court of law. Only in view of the fact that these Appeals are statutory Appeals, we make it clear that unless the appellant deposits a sum of Rs.5,00,000/- (Rupees Five lakh) as costs in each Appeal with the National Legal Services Authority, the Appeals will not be heard. The appellant should not be under an impression that the Appeals will be heard after it deposits the costs amount. We will still examine the conduct of the appellant, if it fails to take a reasonable stand before this Court.

List these Appeals only after the costs amount is deposited by the appellant and the affidavits are filed.

(ASHISH KONDLE)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)

[THE SIGNED ORDER IN CIVIL APPEAL NO.6169/2024 IS PLACED ON THE FILE]