

**BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM
LABOUR COURT, No. 2 DELHI**

D-2/06/2020

M/s Zapdor Engineering Pvt. Ltd. vs. APFC/RPFC, Noida.

Present: Sh. Anshuman Upadhyay, Sh. Shreyas Mehrotra, Manish Kumar Mishra, Sh. Rohan Malik, Sh. Garvit Sharma & Sh. Keshav Agarwal, Id. counsel for the applicant.
Sh. Kaushik Kumar Dey, Ld. Counsel for the Respondent.
Sh. Rajiv Arora, Ld. Counsel who has filed the caveat.

Order Dated-19.05.2025

1. At the outset, it has been mentioned by Sh. Anshuman Upadhyay, Id. counsel for the applicant that now the cheque given to the erstwhile counsel Sh. Rajiv Arora has been cleared. However, he had also admitted that in the present case, the appellant herein has faced the moratorium as the National Company Law Tribunal had admitted the CRP process u/s 7 of the IBC Code vide order dated 09.05.2025. This fact has also been admitted by all i.e., respondent as well as the counsel who has filed the caveat.
2. In between Sh. Kaushik Kumar Dey, has filed an application seeking appropriate action against the counsel of the appellant counsel Sh. Anshuman Upadhyay & Sh. Shreyas Malhotra, because in fact the old aged Counsel Sh. S.P. Arora, was misbehaved on 02.05.2025 and he has intervened in the matter on behalf of all the counsels. Today he has received a call from phone no. **9622143939** from an unknown person claiming himself as bar council member and informed the counsel for the respondent that he should not appear in the present matter as some complaint has been received from the few counsels including the present one. He submits that such act amounts to interference in administration of justice.
3. So far so this tribunal remembers, on 02.05.2025 some heated arguments have been going on between erstwhile counsel Sh. Rajiv Arora, Sh. S.P. Arora as well as Sh. Anshuman Upadhyay, Sh. Sheryas Mehrotra over his appointment as appellant counsel erstwhile Sh. Rajiv Arora has not given no objection to represent the newly engaged

counsel. This tribunal after hearing the heated exchange, felt it not proper to record each and every conversation rather than to cool down the matter having mentioned only few words. Sh. Kaushik Kumar Dey, had only intervened in the matter and asked the council Sh. Anshuman Upadhayay to cool down as well as uttered some inappropriate word, but the fact is that each and every lawyer present on that day had spoken some un-parliamentary word.

4. The above said facts of moving the application has been arisen when this tribunal has called the presence of Sh. Amresh Anand, A/R for the appellant herein because Sh. Rajiv Arora, erstwhile council had mentioned that the address mentioned by him in the affidavit does not exists at all and he has not given any reply to his communications.
5. Fact of filing the complaint in the bar council has been admitted by the counsel Sh. Anshuman Upadhayay & Sh. Shreyas Mehrotra. The conduct of the person calling himself and the member of the bar council is not proper because if any complaint has been received then he should have asked for an explanation not to give any direction.
6. In these circumstances, the person claiming himself as a member of the bar council be called after furnishing the full particulars to be given by the respondent counsel Sh. Kaushik Kumar Dey. So far so the application for restoration of appeal is concerned that does not exist at all because the moratorium has been imposed. Liability, if any, can be pressed by the respondent before the RP as soon as he receives the notice. Let a misc. file be opened along with the record. Appeal file be consigned to the record room. Put up for 28.05.2025.

Sd/-

Atul Kumar Garg
(Presiding Officer)