



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.06.2017

CORAM :

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

C.R.P (PD) (MD) Nos.1184 and 1185 of 2017

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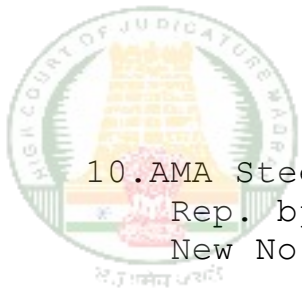
C.R.P. (PD) No.1184 of 2017:

Abdul Rahim

: Petitioner/Petitioner

vs.

1. Golden Pipe Company,
Rep. By its Proprietor/Managing Director,
3/225, A. Shahul Hameedia Rice Mill Compound,
Tanjore Main Road, Ukkadai,
Ariyamangalam, Trichy.
2. Sri. Krishna Steels,
Rep. By its Proprietor/Managing Directors,
No.41, Old No.19, Sembudoss Street, 1st Floor,
Broadway, Chennai.
3. JM Steel Corporation,
Rep. By its Proprietor/Managing Directors,
No.71-K, Sub Jail Road,
Palakkarai, Trichy.
4. Sri. Vadivudai Amman Steel Company,
Rep. By its Proprietor/Managing Directors,
No.3/1, Manali Express High Road,
T.K.P. Nagar, Thiruvattiyur.
5. Venus Steel Corporation,
Rep. By its Proprietor/Managing Directors,
No.22, Jones Street, Chennai.
6. Viji
7. Union Steel Company,
Rep. By its Proprietor/Managing Directors,
No.25-B/51, Jones Street, Chennai.
8. Jayson Steel Company,
Rep. by its Proprietor/Managing Directors,
No.41, Jones Street, Chennai.
9. Select Steel Company,
Rep. by its Proprietor/Managing Directors,
Plot No.41, 42, Vishvaas Nagar,
Tharanallur, Trichy.



10.AMA Steels,

Rep. by its Proprietor/Managing Directors,
New No.57, Old No.27/2, Jones Street, Chennai.

11.Pasupathi Metalics,

Rep. by its Proprietor/Managing Directors,
No.14 & 15 Periyapuliyur Village,
Gummidipoondi Taluk, Thiruvallur District.

12.Best Steels,

Rep. by its Proprietor/Managing Directors,
318/1-4, Vichoor Village Road, Vichoor, Chennai.

13.Sri. Sai Steels,

Rep. by its Proprietor/Managing Directors,
6 Raja Complex, 340/2A2, Bye Pass Road,
(Opp. Viki Industries Ltd.,)
Gummidipoondi.

14.Shivam Steels,

Rep. by its Proprietor/Managing Directors,
No.2/4, Door No.4/702, 4/702 A,
Jai Nagar, Kararampatti, Erumapalayam Village,
Salem.

15.Imperial Traders,

Rep. by its Proprietor/Managing Directors,
No.24, Sembudoss Street, Chennai.

16.S.K.Steels,

Rep. by its Proprietor/Managing Directors,
3/69, Ammani Kondlampatty Bye Pass,
Nattamangalam Main Road, Salem.

17.CS Steels & Co.,

Rep.by its Proprietor/Managing Directors,
No.1/131, N.V.Nagar,
Amani Kondalampathy Bye Pass, Salem.

18.RT Steel Trading,

Rep. by its Proprietor/Managing Directors,
10/6, MSA Complex, Main Road, Kollapuram,
Nannilam Taluk, Thiruvarur District.

19.Sri.Kannathal Steel Rolling Mills,

Rep. by its Proprietor/Managing Directors,
S.P.NO.10/13 F & G, Soorakudipatti Road,
Nagamangalam Post, Trichy District.



20. Hindustan Steels,

Rep. by its Proprietor/Managing Directors,
No.19, Sub-Jail Road, Trichy.

21. Balu Iron and Steel Company,

Rep. by its Proprietor/Managing Directors,
No.6, Plot No.204, Carnival Crown Apartment,
Bharathi Nagar, Ganapathy, Coimbatore,

22. Sri. Amman Steels and Allied Industries (P) Ltd.,

Rep. by its Proprietor/Managing Directors,
Silampudayanpatti Road, Nagamangalam, Trichy.

23. Pulkrit Metals Pvt., Ltd.,

Rep. by its Proprietor/Managing Directors,
R.S.No.438/2, 3A, 3B & 25 Eripakkam-Mandagapattu Road,
Palliputhupattu Village, Villupuram District.

24. Sri. Abirami Steel,

Rep. by its Proprietor/Managing Directors,
No.SS.16/7B-2A, Kaveri Nagar, Platine,
Dindigul Main Road, Trichy.

25. Tamil Nadu Steel Corporation,

Rep. by its Proprietor/Managing Directors,
Arandhangi Road, Veladham Petrol Bank-Opposite,
Pudukottai.

26. Musthapa,

MR Medical, SMS Complex,
Kamaraj Nagar, Tanjore Main Road,
Trichy.

27. Golden Traders,

Rep. by its Proprietor/Managing Directors,
No.1/3 New Mosque Street,
Tanjore Road, Trichy.

28. S.M. Iqbal,

29. Madhan,

30. Deivid Kumar,

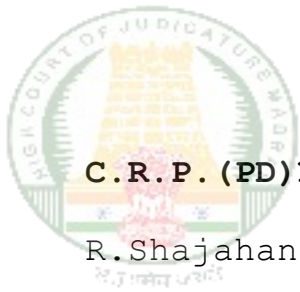
31. A.R. Palaniappan,

32. Pathmanadhan,

33. Mudhu

: Respondents/Respondents

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the Learned II Additional Subordinate Court, Trichirappalli to number the unnumbered I.P. in D.No. 584 of 2017 returned on 12.06.2017.



C.R.P. (PD) No.1185 of 2017:

R.Shajahan

: Petitioner/Petitioner

WEB COPY vs.

1. Anjaney Steels,
Rep. by its Proprietor/Managing Directors,
R./S.No.385/4&9A, Eripakkam,
Mandagapattu Road,
Palliputhupattu Village, Villupuram District.
2. Pulkit Metals Private Ltd.,
Rep. by its Proprietor/Managing Directors,
R.S.No.438/2, 3A, 3B, 4&5, Eripakkam,
Mandagapattu Road,
Palliputhupattu Village, Villupuram District.
3. Pushpit Steels Private Ltd.,
Rep. by its Proprietor/Managing Directors,
R.S.No.436/1-A. Eripakkam,
Mandagapattu Road,
Palliputhupattu Village, Villupuram District.
4. Meenakshi Steels,
Rep. by its Proprietor/Managing Directors,
R.S.No.9/2-B, T.Pidaripattu Village,
T.V.Malai Road,
Thirumangalam Post, Villupuram District.
5. Shankara Building Products Ltd.,
Rep. by its Proprietor/Managing Directors,
1-A/2C, Second Godown, C-Portion,
Tanjore Main Road, Trichy.
6. Kannappan Iron and Steels Company Private Ltd.,
Rep. by its Proprietor/Managing Directors,
9/111, Kalidas Road,
Ramnagar, Coimbatore.
7. Roja Trading Company,
Rep. by its Proprietor/Managing Directors,
1-E, Shahul Hameediya Rich Mill Compounds,
Ukkadai,
Ariyamangalam, Trichy.
8. National Steels,
Rep. by its Proprietor/Managing Directors,
New No.43, Old No.21, Jones Street,
Mannady, Chennai.



- 9.Pashupati Metallics,
Rep. by its Proprietor/Managing Directors,
S.No.14 and 15 Periyapuliyur Village,
Gummidipoondi Taluk,
Thiruvalluvar District.
- 10.Indian Steel Traders,
Rep. by its Proprietor/Managing Directors,
New No.70, Old No.54, sembudoss Street,
Chennai.
- 11.Haji Stores,
Rep. by its Proprietor/Managing Directors,
B.O. 64-A, V.M.Pettai,
Eda Street, Trichy.
- 12.SRM Marketing,
Rep. by its Proprietor/Managing Directors,
Old No.9, New No.17, Sembudoss Street,
2nd Floor, Chennai.
- 13.Abdul Salam,
14.Abdul,
15.Sadhik,
16.Musthapa,
17.Devid Kumar,
18.Audaiappan,
19.D.Ramachandran
20.Ramesh
21.Alex
22.Jeya Surya
23.Mani
24.Karuppusami Pandian
25.R.Muthu
26.Mudhaiya
27.Rajini
28.Verappan
29.Arul
30.Sendhil
31.Satyamoorthi
32.Marudhamani
- : Respondents/Respondents

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the Learned II Additional Subordinate Court, Trichirappalli to number the unnumbered I.P. in D.No. 585 of 2017 returned on 12.06.2017.

**COMMON ORDER**

These Civil Revision petitions are directed against the return of unnumbered insolvency petitions in D.Nos.584 and 585 of 2017 presented before the II Additional Subordinate Judge, Trichirappalli.

2.While returning the said petitions, the learned Trial Judge has pointed out that since the provisions of the Insolvency and Bankruptcy Code, 2016 have come into force on 28.05.2016, there is a bar under Section 179 of the code and hence, any petition for insolvency relating to individual and firms shall be adjudicated only before the Debt Recovery Tribunal and there is no territorial jurisdiction for the Civil Court. In the light of the provisions under Section 179 of the Code, the learned Trial Judge has returned those applications.

3.The learned counsel for the revision petitioners submitted that the said Code though came into force on 28.05.2016, the ouster section is not yet notified.

4. Section 180(1) of the Code reads as under -

"180(1) No civil court or authority shall have jurisdiction to entertain any suit or proceedings in respect of any matter on which the Debt Recovery Tribunal or the Debt Recovery Appellate Tribunal has jurisdiction under this Code."

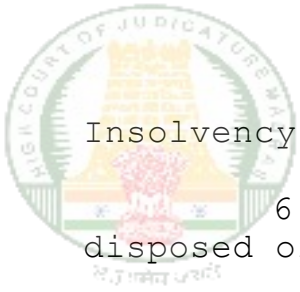
Section 1(3) of the code is reads as under:

" It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Code and any reference in any such provision to the commencement of this Code shall be construed as a reference to the commencement of that provision."

Therefore, the said petitions, which were presented before the Sub Court, Tiruchirappalli, were returned stating that no jurisdiction for the Civil Court over the subject matter, are not maintainable. Whether Section 180 of the Code notified or not is nowhere been found in the records. Therefore, this Court finds that the revision petitioners have not brought the said fact to the notice of the Sub-Court, Tiruchirappalli.

5.Accordingly, this Court giving liberty to the revision petitioners to re-present the Insolvency petitions, if Section 180 of the Code is not yet notified and the jurisdiction of the Civil Court has not been ousted. If such a re-presentation is made by way of an affidavit, the Trial Court shall entertain the said



Insolvency Petitions, if the same are otherwise, in order.

6. Accordingly, these Civil Revision petitions are disposed of. No costs.

Sd/-

Assistant Registrar (Writs)

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/True copy/

Sub Assistant Registrar

To

The II Additional Subordinate Court,
Tiruchirappalli.

Copy to:
The Section officer,
E.R. Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr. T. Vadivelan, Advocate, SR. 61789

C.R.P (PD) (MD) Nos. 1184 & 1185 of 2017
22.06.2017

GNS/MRN
KK/SKN RSK/SAR2/31.07.2017/7P-4C/