

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No.4000 OF 2017

ORDER:

Heard Sri G.Vasantha Rayudu, learned counsel for the petitioner and Sri Maheswara Rao Kuncham, learned counsel for the respondents. With their consent, the Civil Revision Petition is disposed of at the stage of admission itself.

2. Aggrieved by the order, dated 26.07.2017, passed in Insolvency Petition (SR) No.6948 of 2017 by the Senior Civil Judge, Chittoor, wherein the insolvency petition filed by the petitioner was returned on the ground of jurisdiction, the present Civil Revision Petition is filed.

3. Learned counsel for the petitioner placed on record the interim order, dated 29.08.2017, passed by the Division Bench of this Court in W.P.MP.No.35497 of 2017 in W.P.No.28540 of 2017, which reads as under:

“In the light of the interim order dated 25.11.2016 granted by this Court in W.P.No.41022 of 2016, there shall be a like order in the present case as under:

“Since the Insolvency Courts under the Provincial Insolvency Act have already been abolished and since the DRTs have so not been vested with powers to entertain applications under the Insolvency and Bankruptcy Code, 2016, for want of framing of Rules and Regulations, the petitioner is

entitled to protection at the hands of this Court under Section 96 of the Code””.

4. Apart from that, he also placed on record the notification issued by the Government of India on 29.08.2017, wherein it is stated as under:

“It has come to notice of Ministry that Writ Petitions are being filed before some High Courts stating that ‘The Presidency Towns Insolvency Act, 1909’ and ‘The Provincial Insolvency Act, 1920’(enactments) have been repealed in view of enactment of the Insolvency and Bankruptcy Code, 2016 (Code). On this basis, the litigants are claiming that matters related to individual insolvency and bankruptcy should now be dealt under provisions of the Code.

In this regard, it is hereby clarified that Section 243 of the Code which provides for repeal of said enactments has not been notified till date and further, provisions related to insolvency resolution and bankruptcy for individuals and partnerships as contained in Part III of the Code are yet to be notified. Hence, it is advised that stakeholders who intend to pursue their insolvency cases may approach appropriate authority/court under the existing enactments, instead of approaching the Debt Recovery Tribunals.”

5. In view of the above, learned counsel for the petitioner seeks liberty to re-present the Insolvency Petition enclosing the orders and circulars before the concerned Court.

6. Giving permission as sought for, this Civil Revision Petition is closed, leaving it open to the Court below to decide the issue in accordance with law.

Consequently, Miscellaneous Petitions, if any, pending in this revision petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

Date: 12.09.2017
INL

