

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE MS. JUSTICE J.UMA DEVI

WRIT PETITION NO.36465 of 2017

ORDER: (per SK,J)

The prayer of the petitioner in this case is as under:

'For the reasons stated in the accompanying affidavit, it is hereby prayed that this Court may be pleased to issue an appropriate writ, order or direction more in the nature of Mandamus declaring the inaction of the respondents 1 & 2 in not providing a mechanism for receiving the application of the petitioner for insolvency resolution process under the provisions of the Insolvency and Bankruptcy Code, 2016 as being arbitrary and unconstitutional and consequently direct the Debt Recovery Tribunal to receive the insolvency application of the petitioner under the Insolvency and Bankruptcy Code, 2016, and pass such other order or orders as are deemed fit and proper.'

Mr. K.Laxmaiah, learned counsel for the petitioner, and Ms.Swarna, learned counsel representing Mr.K.Lakshman, learned Assistant Solicitor General for India, inform this Court that the matter is squarely covered by the decision of this Court in W.P.No.41022 of 2016 and batch. A copy of the common order dated 18.09.2017 passed in the said batch of cases is placed on record.

For reasons alike as were stated in the aforesaid order and in terms thereof, the writ petition is disposed of directing that the adjudicating authority, being the Senior Civil Judge concerned, under the Provincial Insolvency Act, 1920 shall entertain the insolvency application of the petitioner in as much as the provisions of the said Act continue to remain in force and do not stand repealed till date.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR,J

J.UMA DEVI ,J

Date:01.11.2017
GJ