

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.05.2018

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN
AND

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

C.R.P.No.1709 of 2018
and

C.M.P.No.9378 of 2018 to 9380 of 2018

M/s.Prasad Gempex,
Old No.2, New No.3,
Sarangapani Street,
T.Nagar,
Chennai - 600 017

Rep. By its Partner Mr.A.Balakrishnan ... Petitioner

Vs.

1.M/s.Star Agro Exports Pvt. Ltd.,
(under Resolution Professional)
Regd. Office at B-24, Ground Floor,
Landon Towers, 47, Landons Road,
Kilpauk, Chennai 600 010
Rep. By Mr.S.Rajendran,
Resolution Professional,
No.188/187, II Floor, Evalappan Mansion,
Habibullah Road, T.Nagar,
Chennai - 600 017.

2.Union Bank of India,
139, Broadway Branch,
Chennai - 600001.

.. Respondents

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the impugned order dated 04.05.2018 of the Hon'ble National Company Law Tribunal, Chennai Bench at Chennai in M.A.No.50 of 2018 in Company Petition No.CP/668/(IB)/CB/2017.

For Petitioner : Mr.V.Raghavachari

O R D E R

[Order of the Court was made by R.SUBRAMANIAN,J]

Aggrieved by the interim order of the National Company Law Tribunal, Chennai directing the petitioner to place all the records before the Resolution Professional and seek his response

by 22.05.2018, the petitioner is before us by way of Civil Revision Petition under Article 227 of Constitution of India.

2. We have heard Mr.Ragavachari, learned counsel appearing for the petitioner.

3. It is not in dispute that the petitioner is protected by the order of this Court in A.No.6998 of 2017 in C.S.No.849 of 2017 dated 01.11.2017 where the corporate debtor is a party. Needless to point out that the National Company Law Tribunal should take note of the order passed by this Court and ensure that the said order is complied with. Even Section 25 of the Insolvency and Bankruptcy Code requires the Resolution Professional to respect the agreements that are entered into the corporate debtor.

4. In view of the above, there will be a direction to the National Company Law Tribunal to dispose of the interim application filed by the petitioner in M.A.No.50/1B/2018 in Company Petition No.CP/668/(1B)/2017 on 22.05.2018 on merits, after taking note of the orders passed by this Court in A.No.6998 of 2017 in C.S.No.849 of 2017. Any measure taken by the Resolution Professional in the interregnum, will be subject to the orders to be passed by the NCLT. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-
Vacation Officer /
Assistant Registrar (Rules)

//True copy//

Sub Assistant Registrar

dsa

To

The National Company Law Tribunal,
Chennai Bench, Chennai.

+1cc to Mr.Shubharanjani Ananth, Advocate SR.No.33738

C.R.P.No.1709 of 2018

SSI (CO)
GN(18/05/2018)