

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

I.A.No. 5 OF 2018

IN

COMPANY PETITION No. 34 OF 2011

ORDER :

This Application has been taken out to transfer the Company Petition from the file of this Court to the file of the National Company Law Tribunal, Hyderabad.

Learned counsel for the respondent company *Sri Ch. Ramesh Babu*, on 02.02.2018, had filed a memo, enclosing thereto the letter addressed to the Managing Director of the respondent company, stating that he had given up the vakalat. The record, however, does not disclose any counsel being appointed in the place of the said *Ramesh Babu*.

Be that as it may, now, it is brought to the notice of this Court, the Insolvency and Bankruptcy Code (Amendment) Ordinance, 2018, No. 6 of 2018, whereunder an amendment to Section 434 of the Companies Act, 2013 has been made, the relevant portion of which is extracted as under:

“**39.** In Section 434 of the Companies Act, 2013 (as substituted by paragraph 34 of the Eleventh Schedule to the Insolvency and Bankruptcy Code, 2016) in sub-section (I), in clause (c), after the proviso, the following proviso shall be inserted, namely:

“Provided further that any party or parties to any proceedings relating to the winding up of companies pending before any Court immediately before the commencement of the Insolvency and Bankruptcy Code (Amendment) Ordinance, 2018, may file an application for transfer of such proceedings and the Court may by order transfer such proceedings to the Tribunal and the proceedings so transferred shall be dealt with by the Tribunal as an application for initiation of corporate insolvency resolution process under the Insolvency and Bankruptcy Code, 2016.”

In the light of the above, this Application is allowed. Registry is directed to transmit the case file relating to Company Petition No. 34 of 2011 to the National Company Law Tribunal to be dealt with in accordance with law. Registry shall also make a note of transfer of the Company Petition from the file of this Court.

18th July 2018

CHALLA KODANDA RAM, J

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