

* IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND

* HONOURABLE SRI JUSTICE T. AMARNATH GOUD

+ W.P.NO.40561 of 2017

% Date: 27-02-2018

Between:

Chinthala Venkata Sai Prasad S/o. Veerabhadra Rao
R/o. D.No.14-179, Nehru Nagar, Palasa,
Palasa Mandal, Srikakulam District, A.P.

... Petitioner

And

1. The Union of India, Ministry of Finance, rep. by its Secretary, New
Delhi and 41 others.

... Respondents

! Counsel for the Petitioner : Mr. K. Ramakoteswara Rao

^ Counsel for the respondent No.1 : Mr. K. Lakshman ASG

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> HEAD NOTE:

? Cases referred

**HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE T. AMARNATH GOUD**

W.P.NO.40561 of 2017

ORDER: (per VRS,J.)

The petitioner has come up with the above writ petition challenging an office objection raised by the Court of the Senior Civil Judge, Sompeta, Srikakulam District refusing to entertain an insolvency petition, on the ground that the Insolvency and Bankruptcy Code, 2016 has come into force.

2. Heard Mr. K. Ramakoteswara Rao, learned counsel for the petitioner and Mr. K. Lakshman, learned Assistant Solicitor General appearing for the 1st respondent.

3. It is pointed out by the learned Assistant Solicitor General that Section 243(1) of the Insolvency and Bankruptcy Code, 2016 has not been brought into force by way of a notification to be issued by the Government of India under Section 1(3) of the Code. Therefore, the Presidency towns Insolvency Act, 1909 and Provincial Insolvency Act, 1920 do not stand repealed as on date. Moreover, Section 179(1) of the code, has not also been not brought into force. Therefore, Debts Recovery Tribunal is also not competent to entertain the applications.

4. In view of the above, the writ petition is allowed. The office objections raised by the 2nd respondent are set aside and the 2nd respondent is directed to entertain the Insolvency

Application filed by the petitioner, if it is otherwise procedurally in order.

5. As a sequel, miscellaneous petitions pending in this writ petition, if any, shall stand closed. There shall be no order as to costs.

V.RAMASUBRAMANIAN, J.

T. AMARNATH GOUD, J.

27th February, 2018
Js



HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
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