

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1954 of 2014**

- M/s Lanco Solar Private Limited, Having Its Corporate Office At Plot No. 397, Udyog Vihar, Phase III, Gurgaon, 122016, Haryana, Through Its Company Secretary And Authorized Signatory Ravnish Advani, S/o Shri Pritam Dass Advani, Age abt 27 Yrs, Company Secretary, Lanco Solar Pvt. Ltd, Plot No. 397, Udyog Vihar III, Gurgaon, 122016 Haryana
----- **Petitioner**

Versus

1. Micro And Small Enterprises Facilitation Council Chhattisgarh, Raipur Through Its Chairperson, Directorate Of Industries, Udyog Bhawan, Ring Road No.1, Telibandha, Raipur, Chhattisgarh
2. M/s Powersol Engineers And Consultants Pvt. Ltd No.128, 1st Floor Guru Ghasidas Plaza, Amapara, G.E.Road, Raipur, Chhattisgarh

----- Respondents

For Petitioner : Shri Ayaz Naved, Advocate

For Respondent/State : Shri Rahul Jha, Government Advocate

No representation is made on behalf of Respondent No. 2, despite service of notice.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board**09/09/2019**

1. Heard.
2. It is contended on behalf of the petitioner that the challenge is to a arbitral award made under Micro, Small and Medium Enterprises Development Act, 2006 (for short 'Act of 2006') dated 19.06.2014. Learned counsel for the petitioner further submits subsequently that the Andhra Bank the creditor has invoked the provisions of Insolvency and Bankruptcy Code, 2016 (for short I&B Code, 2016) and application under Section 7 of the Said Act was admitted by Board. It is stated that in view of Section 14 of the Act of 2006 the respondent who are the creditors have to approach to the National Company Law Tribunal (for

short 'NCLT') of Hyderabad, therefore, this petition would no longer required to be adjudicated.

3. Perused the documents.
4. During the proceedings, copy of the proceedings of NCLT Hyderabad bearing No. CP(IB) No. 518/7/HDB/2019 has been produced. It shows that primarily, the petition filed by the Andhra Bank has been admitted and as per Paragraph 25 the moratorium is ordered under Section 14 of the I&B Code, 2016 has been reproduced hereunder:-

"25. I declare the moratorium which shall have effect from the date of this Order till the completion of Corporate Insolvency Resolution Process (CIRP) for the purposes referred to in Section 14 of the I&B Code, 2016. I order to prohibit all of the following, namely:

- i. *The institution of suits or continuation of pending suits or proceedings against the corporate debtor including execution of any judgment, decree or order in any court of law, tribunal, arbitration panel or other authority;*
- ii. *Transferring, encumbering, alienating or disposing of by the corporate debtor any of its assets or any legal right or beneficial interest therein;*
- iii. *Any action to foreclose, recover or enforce any security interest created by the corporate debtor in respect of its property including any action under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (54 of 2002);*
- iv. *The recovery of any property by an owner or lessor where such property is occupied by or in the possession of the corporate debtor."*

5. In view of the fact that such proceedings have already been commenced by the NCLT this proceedings would have of no consequences, so as to adjudicate the veracity of the award at this stage. If the respondent have to approach to the concern NCLT Tribunal of Hyderabad to address their cause.
6. With such observation, the writ petition stands disposed of.