

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.02.2019

Coram:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.R.P.No.641 of 2019
and
C.M.P.No.4275 of 2019

M/s.Dharani Developers Private Limited,
Rep.by its Director C.Konguvel,
No.1, Venus Colony, 2nd Street,
Alwarpet, Chennai- 600 018. ...Petitioner

Vs

1.K.Gopinath
2.G.Sindhuja ...Respondents

PRAYER: Civil Revision Petition has been filed under Article 227 of the Constitution of India, against the order dated 04.02.2019 made in C.P.No.1252 of 2018 on the file of the National Company Law Tribunal, Chennai Bench, pending adjudication of the complaint C.No.065 of 2018 on the file of the Tamil Nadu Real Estate Regulatory Authority, Chennai.

For Petitioner : Mr.M.S.Krishnan
Senior Counsel

O R D E R

This Civil Revision Petition has been filed against the order dated 04.02.2019 made in C.P.No.1252 of 2018 on the file of the National Company Law Tribunal, Chennai Bench, pending adjudication of the complaint in C.No.065 of 2018 on the file of the Tamil Nadu Real Estate Regulatory Authority, Chennai.

2. Today, the learned Senior Counsel appearing for the petitioner filed a memo before this Court stating that he has informed about the stay granted by this Court, vide its order dated 18.02.2019 to the National Company Law Tribunal, Chennai [hereinafter referred to as "NCLT"]. It is the specific contention of the learned Senior Counsel that they made representation before NCLT on 21.02.2019 at 10.30a.m. to produce

the stay order in the same day. However, the learned member of NCLT has insisted the counsel to produce the stay order by 2.30p.m. According to the learned Senior Counsel, the copy of the stay order was made ready only at 4.00p.m., immediately he obtained the certified copy of the order and produced the same before NCLT by 4.30p.m. However, NCLT has passed an order by appointing Interim Resolution Professional to take over the Company. It is the further contention of the learned Senior Counsel, despite the knowledge of the stay order passed by this Court, NCLT passed the said order, if the order has been implemented, it will cause serious conscious in the entire proceedings. Hence, he prayed for issuance of stay of further proceedings by the Interim Resolution Professional.

3. Heard the learned Senior Counsel appearing for the petitioner and perused the documents available on record.

4. Admittedly, this Court has passed the order dated 18.02.2019 staying further proceedings before NCLT, despite the representation made by the learned Senior Counsel, the Interim Resolution Professional has been appointed. The learned NCLT member despite such representation made by the learned Senior Member of the Bar, on the contrary, he has insisted the counsel to produce the order by 2.30p.m. admittedly, the order has been produced by 4.30p.m.

5. In this scenario, I am of the view that, if the Interim Resolution Professional takes any action in this regard, it will in fact nullify the very order passed by this Court. Hence, there shall be an order of stay of further proceedings by the Interim Resolution Professional and the petitioner is also given liberty to move NCLT to challenge the order passed by NCLT. Till the appeal is disposed of by NCLT, the order passed by the NCLT appointing the Interim Resolution Professional is stayed.

6. In view of the above, no further orders is required to be passed in this Civil Revision Petition. Accordingly, the Civil Revision Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

sri

Sd/-

Assistant Registrar

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Sub Assistant Registrar

To

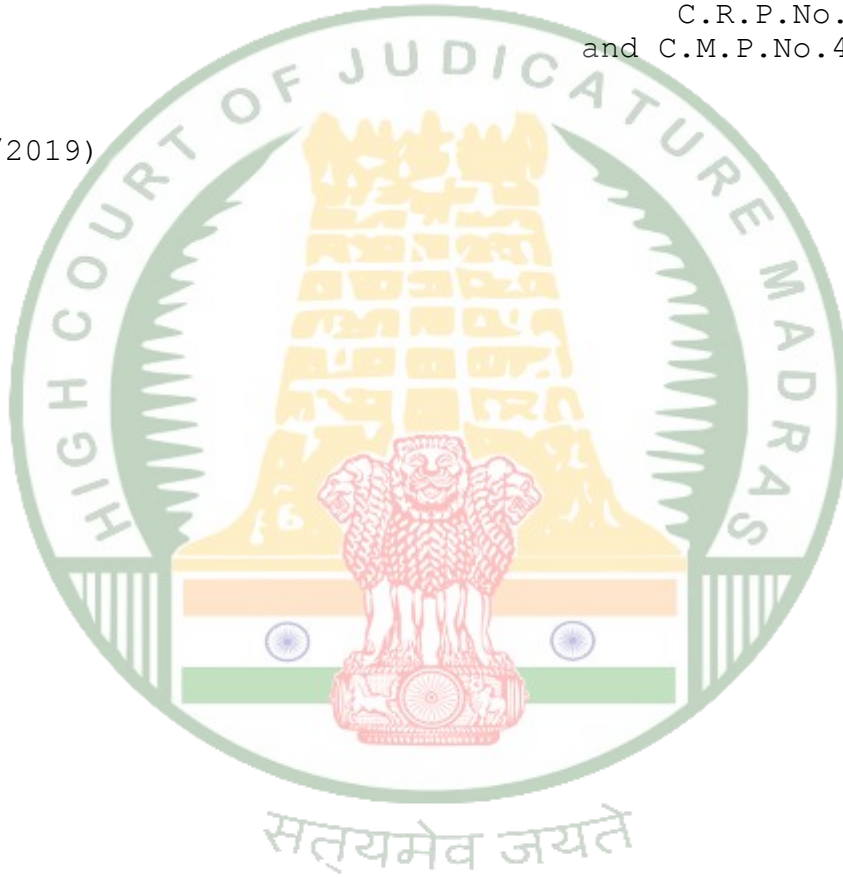
1. The National Company Law Tribunal,
Chennai Bench.

2. The Tamil Nadu Real Estate
Regulatory Authority,
Chennai.

+2cc to Mr.K.Suresh, Advocate, S.R.No.16468 & 16469

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GJ(CO)
kak(22/02/2019)



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