

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2019

CORAM :

THE HON'BLE MR.AMRESHWAR PRATAP SAHI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

C.R.P.NO.3758 OF 2019

Recovery Officer,
O/o. The Regional Provident Fund Commissioner,
Employees Provident Fund Organisation,
Regional Office, S.J. Plaza, Swarnapuri,
Salem-636 004.

.. Petitioner/
Respondent

vs.

1. M/s.Nagalingam Muthiah (Resolution Professional
of SAS Autocomm Engineers India Pvt. Ltd.),
Room No.708, 7th Floor,
Shivalaya Buildings "A" Block,
Ethiraj Road, Egmore,
Chennai-600 008.

.. Respondent/
Respondent

2. M/s.SAS Autocomm Engineers Pvt. Ltd.,
C-34, Sidco Industrial Estate,
Hosur-635 126.

.. Respondent/
Petitioner

Revision Petition filed under Article 227 of the
Constitution of India against the order dated 20.08.2019 passed
in Original Application No.MA/868/2019 in Petition
No.CP/567/IB/2018 on the file of the National Company Law
Tribunal, Chennai Bench, Chennai.

For Petitioner

: Mr.R.Rajagobal

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

Heard learned counsel for the petitioner.

2. This Civil Revision Petition has been filed questioning the correctness of the proceedings before the National Company Law Tribunal, Division Bench-I, Chennai, contending that the proceedings are without jurisdiction.

3. We have perused the impugned order, which appears to have been passed in exercise of powers under Section 60(5) of the Insolvency and Bankruptcy Code, 2016.

4. At the very outset, we may point out that against any such order passed under the said provision, even if it relates to jurisdiction, can be appealed before the Appellate Authority in terms of Section 61 of the 2016 Code. An alternate remedy being available to the petitioner, who also falls within the definition of "any person" as used under Section 61 of the 2016 Code, an appeal would lie and consequently, we are not inclined to entertain this petition. The same is dismissed on the ground of availability of an alternate remedy. No costs. Consequently, C.M.P.Nos.24710 and 24711 of 2019 are closed.

Sd/-
Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

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To

The National Company Law Tribunal,
Division Bench-I,
Chennai.

+2cc to Mr.R.Rajagobal, Advocate, S.R.No.97142

C.R.P.No.3758 of 2019

SAI (CO)
CS/04/12/2019