

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2019

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

C.R.P.(PD).Nos.4284 and 4285 of 2018
and
C.M.P.Nos.23469, 23470, 23472 and
23473 of 2018

K.Bharathi

... Petitioner
in both CRPs

Vs.

- 1.Kotak Mahindra Bank Limited
No.39, I Floor, Ceebros Centre,
Montieth Road, Egmore, Chennai - 600 008.
- 2.Green Gardens Private Limited,
Having its registered office at
No.60, Mount Road, Chennai - 600 006.
- 3.Gemini Arts Private Limited
Having its registered office at
No.60, Mount Road, Chennai - 600 006.
- 4.Nurani Subramanian Suryanarayanan
Resolution Professional
Reg.No.(IBBI/IPA-002/IP-N00379/2017-2018/11122)
Flat V II, Silver Palm Apartments,
340/1 Bajanakoil Steert, Padi, Chennai - 600 050.

5.A.Manohar Prasad Represented by the
 Official Assignee
 Promoter-Green Gardens Private Limited
 I Floor, Family Court Building,
 High Court Complex, Madras High Court,
 Chennai - 600 104.

... Respondents
 in both CRPs

COMMON PRAYER: Civil Revision Petitions are filed under Article 227 of the Constitution of India, against the order dated 19.12.2018, made in M.A.Nos.639 and 667 of 2018 in C.P.Nos.709 and 710 of 2018, on the file of the National Company Law Tribunal, Chennai.

For Petitioner : Mr.Vineet Subramanishyam Gopal
 in both CRPs

For R1 : Mr.OM.Prakash (Senior Counsel)
 in both CRPs.

COMMON ORDER

(Order of the Court was delivered by S.MANIKUMAR, J)

On this day, when the matter came up for hearing, a Memo dated 10.01.2019, has been filed by M/s.Kotak Mahindra Bank Limited, Chennai/first respondent herein, along with a copy of the order dated 07.01.2019, in C.A.(AT)(Insolvency) Nos.17 and 18 of 2019, passed by the National Company Law Appellate Tribunal, New Delhi,

2. Memo dated 10.01.2019 filed by M/s.Kotak Mahindra Bank

Limited, Chennai and order dated 07.01.2019 passed by the National

Company Law Appellate Tribunal, New Delhi, in C.A.(AT)(Insolvency) Nos.17 and 18 of 2019, are reproduced hereunder:-

"1. The first respondent submits that the above CRPs have been filed by the petitioner challenging the order dated 19.12.2018 passed by the Hon'ble National Company Tribunal in CA/639 and 667/2018 in CP/709 and 710/IB/CB/2018 filed by this Respondent.

2. The first respondent further submits that when the above Civil Revision Petitions came up before this Hon'ble Court on 04.01.2019 this Hon'ble Bench extended the stay up to 18.01.2019 after recording the submission made by the Senior Counsel appearing for the petitioner that steps would be taken to get the appeals filed by the revision petitioner numbered before the Appellate forum i.e the Hon'ble NCLAT, New Delhi.

3. The first respondent states that the Appeal filed by the petitioner against the impugned order was taken on file in Company Appeal (AT) (Insolvency) Nos.17 and 18 of 2019 the same were came up for hearing before the Hon'ble NCLAT on 07.01.2019. After hearing the respective parties concerned the matter stands posted to 05.02.2019. The online order copy dated 07.01.2019 passed by the NCLAT is attached herewith for the perusal of this Hon'ble Court.

4. The first respondent respectfully states that

as the Appeals have been filed and listed for further hearing before the Hon'ble NCLAT the above Civil Revision Petitions filed by the petitioner before this Hon'ble Court have become infructuous.

5. The first respondent therefore prays that this Hon'ble Court may be pleased to receive the memo on file and dismiss the above Civil Revision Petitions infructuous and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

ORDER

07.01.2019: Let notice be issued on the respondents.

Mr.D.Steenivasan, Advocate accepts notice on behalf of the 1st respondent in both the appeals. No further notice need be issued on it. He is allowed 15 days time to file reply-affidavit(s). Rejoinder, if any, may be filed by the appellant within a week thereof. Parties will state the date of filing of the application under Section 7 of the I&B Code, date of admission to decide whether Section 5(24A) will apply in the present case if application under Section 7 was filed prior to 6th June, 2018. This Appellate Tribunal may also hear the appeal on merits.

Let notice be issued on rest of the respondents by Speed Post. Requisite along with process fee, if not filed, be filed by 8th January, 2019. If the appellant

provides the e-mail address of respondents, let notice be also issued through e-mail.

During the pendency of the appeal, if any decision is taken by the 'Committee of Creditors', the same shall be subject to the decision of this Appellate Tribunal.

List the matter 'for Admission (After Notice)' on 5th February, 2019."

3. Mr.Vineet Subramanishyam Gopal, learned counsel for the revision petitioner, does not dispute the above. He seeks permission of this Court, to withdraw the instant C.R.P.(PD).Nos.4284 and 4285 of 2018 and the connected civil miscellaneous petitions.

4. Submission of the learned counsel for the revision petitioner, is placed on record. Permission is granted.

5. Hence, C.R.P.(PD).Nos.4284 and 4285 of 2018, are dismissed as withdrawn. Interim stay already granted, is stands vacated. No Costs. Consequently, other connected civil miscellaneous petitions are closed.

[S.M.K., J.] [S.P., J.]
11.01.2019

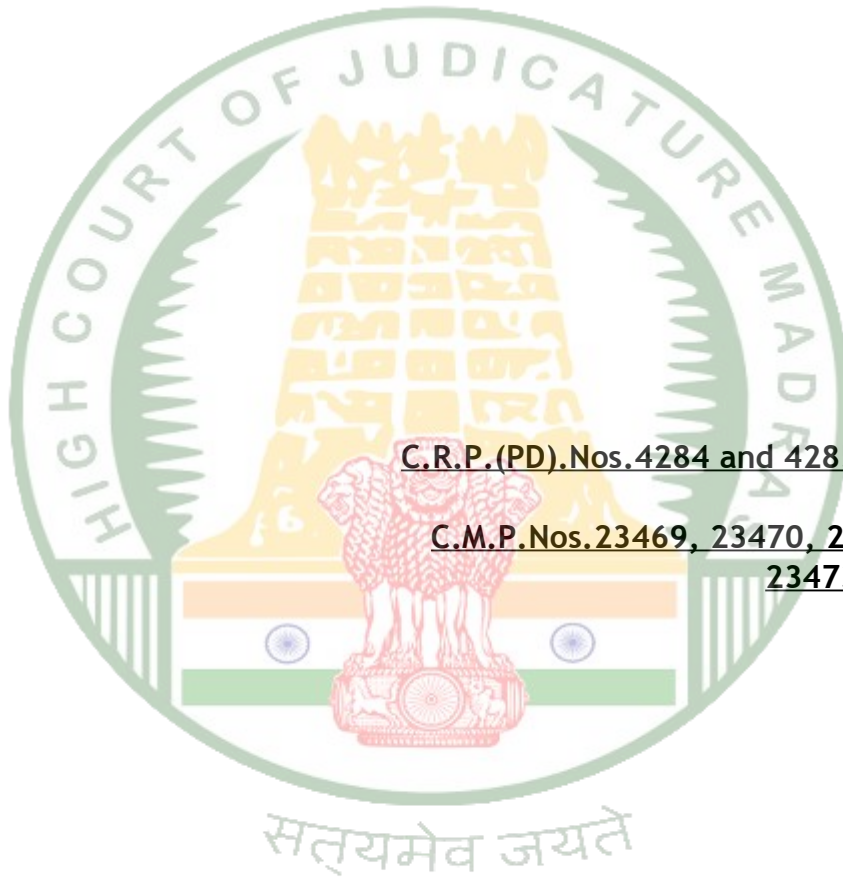
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