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W.P.A. 5569 of 2020

IA No. CAN 1/2020 (Old No. 3303 of 2020)

(Through Video conference)

Kaustav Ray

-vs-

***Ms. Ramanathan Bhubaneswari Resolution
Professional of R.P. Infosystems Ltd. & Anr.***

Mr. Subhankar Nag

Mr. Mayukh Maitra

..... for the petitioner.

Mr. Vikram Wadehra

Ms. Vidushi Chokhani

Mr. S. Ghosh

..... for the Respondents.

The appearing parties are heard.

The petitioner alleges arbitrary action by the Resolution Professional (RP), who is impleaded as the Respondent No.1 to the writ petition. The petitioner submits through learned Counsel that although proceedings connected to the resolution of the stressed assets of the Company are pending before both NCLT, Kolkata Bench and NCLAT, New Delhi, the present pandemic

situation has prevented the petitioner from satisfactorily carrying the proceedings particularly before the NCLAT, New Delhi Bench.

The petitioner submits that the benefit of the reliefs granted to proceedings under the IBC (the Code) as extended by the Amendment Ordinance of 5th June, 2020 be also extended to the petitioner in the present extraordinary circumstances and the *RP* be restrained from proceeding unilaterally *qua* the Company.

Mr. Wadehra, learned Counsel representing the *RP*, seriously contests this Court's jurisdiction to hear matters strictly within the domain of NCLT and NCLAT. It is submitted that the *RP* is proceeding in accordance with law and Expressions of Interest (*EOI*) have been invited.

It is also submitted that ultimately the factoring in of the viability of the *EOIs* depends on the Committee of Creditors (*COC*) and

applications to such effect are pending before the NCLT.

Having heard the parties and considering the materials placed, this Court finds the objections with regard to the jurisdiction raised by Mr. Wadehra, learned Counsel, to be of a substantive nature. This Court, therefore, permits the parties to seek their appropriate reliefs and entitlements upon notice to each other before the NCLT and the NCLAT, as advised and the matter will be then dealt with by the appropriate forum/Tribunal on merits.

Since affidavits are not invited, allegations made in the writ petition are deemed not to have been admitted.

WPA No. 5569 of 2020 with IA No/ CAN 1/2020 (Old CAN No. 3303 of 2020) stand accordingly disposed of.

All parties to act in terms of a copy of this order downloaded from the official website of this Court.

(Subrata Talukdar, J.)