

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-21516-2020

Date of Decision : 14.12.2020

V.D.Traders and another

..... Petitioners

Versus

Union of India and others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present : Mr. Puneet Bali, Senior Advocate
with Mr. A.P.S.Sandhu, Advocate
for the petitioners.

Mr. Satyapal Jain, Addl. Solicitor General of India
with Mr. Gaurav Pathak, Advocate
for the respondent(s)-Union of India.

AUGUSTINE GEORGE MASIH , J. (Oral)

Petitioners have approached this Court, praying for issuance of a writ in the nature of Mandamus, directing respondents No.1 to 3 that the stakeholders including resolution professionals who are likely to be affected and bound by the approval of resolution plan should be provided a copy of the full and complete application for approval of the resolution plan including the annexures and resolution and they should be permitted to file written reply/submissions/objections and be heard and a reasoned order be passed thereupon whenever the Adjudicating Authority hears the application for approval of resolution plan. Prayer is also made for issuance of writ of certiorari for quashing the order passed by the National Company

Law Tribunal Chandigarh Bench, Chandigarh relating to I.A.No.703/2020 and/or application for approval of the resolution plan including order dated 01.12.2020 (Annexure P-3) and any subsequent orders including order dated 09.12.2020 (Annexure P-5).

The primary grievance of the petitioners is that the application moved by the petitioners as a party for being impleaded and for providing the details with regard to the plan which has been submitted by the resolution professional be provided to them so that they can put their claim with a further request that they should be also heard being an operational creditor so that their valuable right under Article 300-A of the Constitution can be protected.

The real grievance appears to be that instead of allowing the application of the petitioners, the National Company Law Tribunal, Chandigarh Bench, Chandigarh has proceeded to reserve the orders not only in the application preferred by the petitioners for being impleaded as a party but also the application which has been submitted by the resolution professional putting-forth their full and complete resolution plan for approval. Petitioners proceed on the assumption that application preferred by them for impleadment has been rejected and its is because of that reason that order has been reserved in the said application with a further presumption that the proposal is likely to be accepted prejudicially affecting the right of the petitioners.

This contention of the petitioners does not appear to be justified to be concluded at this stage as in the opinion of this Court, the present writ petition is pre-mature at this stage as there is no order passed by the National Company Law Tribunal, Chandigarh Bench, Chandigarh as of now

which could be said to have gone in the interest of the petitioners.

The writ petition being premature at this stage, therefore, stands dismissed. However, it would be open to the petitioners to avail alternative remedy in accordance with law, if so advised.

(AUGUSTINE GEORGE MASIH)
JUDGE

14.12.2020
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No