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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 1316/2020 & CM Nos.4596-97/2020**

RAMESH SHARMA

..... Petitioner

Through : Mr. Kirti Uppal, Sr. Adv. with
Mr.Sidharth Chopra, Mr. Aman
Bhalla and Mr. Navneet Thakran,
Advs.

versus

CORPORATION BANK & ORS

..... Respondents

Through : Mr. Alok Kumar, Ms. Somya Yadava,
Ms. Snigdha Singh and Mr. Ketul
Hansraj, Advs. for R-1.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **04.02.2020**

CM No.4597/2020

1. Allowed, subject to just exceptions.

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2. This writ petition, I am told, has been filed by the Ex-Managing Director of respondent no.2 company.

3. The order impugned in the writ petition is the order dated 02.01.2020 passed by the concerned NCLT on an application filed under Section 7 of the Insolvency and Bankruptcy Code, 2016 (in short "the Code") by respondent no.1/Corporation Bank.

4. A perusal of the impugned order dated 02.01.2020 shows that NCLT has admitted the petition of respondent no.1/Corporation Bank and declared

that a moratorium will operate in terms of Section 14 of the Code.

5. It is the submission of Mr. Kirti Uppal, learned senior counsel, who appears on behalf of the petitioner, that respondent no.1/Corporation Bank has not disclosed to NCLT the orders passed by this court in W.P.(C)No.2241/2019.

5.1 In particular, Mr. Uppal says that there is no reference to the order dated 15.03.2019.

6. To my mind, this is an aspect on which the Interim Resolution Professional (IRP) appointed by the concerned NCLT vide its order dated 02.01.2020 would have to deliberate and, if necessary, bring the same to the notice of the concerned NCLT.

6.1 The carriage of the proceedings does not lie with the petitioner who, concededly, is the Ex-Managing Director of respondent no.2 company.

7. Accordingly, no orders can be passed in this writ petition.

8. At this stage, Mr. Uppal says that the petitioner should be given liberty to approach the NCLAT.

9. Needless to add, if the Code provides for an appeal, the petitioner will have liberty to approach the NCLAT, *albeit*, as per law.

10. The captioned writ petition is, thus, disposed of in the aforesaid terms.

11. Resultantly, the captioned application shall also stand closed.

RAJIV SHAKDHER, J

FEBRUARY 04, 2020

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