

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 3328 of 2020

1. M/s R. K. Jain Construction India Pvt Ltd. A Company Registered Under The Provisions Of Companies Act 1956, Having Its Registered Office At 311, 312, Lal Ganga Shopping Mall, G.E. Road Raipur (C.G.), Through Its Director Ashish Jain, S/o Late Shri R.K. Jain, R/o 22 Prem Pushp, Jal Vihar Colony, Raipur (C.G.)
2. Vikas Jain S/o R.K. Jain Aged About 49 Years Director, M/s R.K. Jain Construction India Pvt. Ltd. R/o 22 Prem Pushp, Jal Vihar Colony, Raipur
3. Ashish Jain, Director, M/s R.K. Jain Construction India Pvt. Ltd. Aged 46 Years S/o Late Shri R.K. Jain, R/o 22 Prem Pushp, Jal Vihar Colony, Raipur (C.G.).

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Revenue, Mahanadi Mantralaya, Naya Raipur, Post Office And Police Station Naya Raipur, District- Raipur, Chhattisgarh.
2. Collector Of Stamps Raipur, District- Raipur, Chhattisgarh
3. Asrec (India) Limited Solitaire Corporate Park, Building No. 2, Unit No. 201-202a And 200-202b Ground Floor, Andheri (East), Mumbai 400093 (Maharashtra).
4. Vinod Kumar Pukhraj Ambavat Resolution Professional D-511, Kanakia Zillion, Junction Of LBS Road And CST Road, BKC Annexe, Kurla West, Mumbai, 400070

---- Respondents

For Petitioner	:	Shri Rajeev Shrivastava, Advocate
For Respondents/ State	:	Shri Amrito Das, Addl A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

11.01.2021

Heard

1. The present petition is against the order dated 02.10.2020 (Annexure P-1) which is pursuant to the insolvency and Bankruptcy Resolution Process.
2. Perusal of the documents would show that earlier when the initial order of

insolvency was passed by the National Company Law Tribunal Cuttack Bench on 03.10.2019, it was subject of challenge before the National Company Law Appellate Tribunal, New Delhi, which was dismissed by order dated 17.02.2020. Thereafter, against the order of dismissal a Civil Appeal bearing No. 2211 of 2020 was filed before the Hon'ble Supreme Court and the Supreme Court by its order dated 18.06.2020 had directed the petitioner to deposit an amount of Rs. 28 Crores within a month. It was further directed that within that period of 1 month respondents shall not precipitate the matter finally. Thereafter, the time to deposit of amount was extended by order dated 28.07.2020 wherein time was further made enlarged to further 2 months, subject to depositing 50 % of the amount within 1 month and rest 50% within next 30 days. Further, it was directed that no further extension would be granted. After that order since the petitioner could not make deposit the present notice is issued by Annexure P-1, which is under challenge.

3. The facts reveal, in view of the order by the Supreme Court, the resolution Councilor has issued the notice. Therefore, at this stage this court in exercise of its power under Article 226 of the Constitution of India cannot de novo go into validity of it as otherwise would amount to overreaching the order of the Hon'ble Supreme Court.
4. Accordingly, the petition stands dismissed. However, the petitioner shall be at liberty to avail the remedy available to him under the law before the concern/ appropriate authority.

Sd/-
(Goutam Bhaduri)
Judge