

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2021

CORAM :

THE HON'BLE MR.JUSTICE SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.Nos.11059 and 11062 of 2019

CA V.Venkata Siva Kumar .. Petitioner in both WPs

Vs

1. The Union of India
Secretary to the Government of India
Ministry of Corporate Affairs (MCA)
Garage No.14, "A" Wing
Shastri Bhawan, Rajendra Prasad Road
New Delhi - 110 001.
2. The Union of India
Secretary to the Government of India
Ministry of Law and Justice
4th Floor, A-Wing, Shastri Bhawan
New Delhi, Delhi - 118 013.
3. Insolvency and Bankruptcy Board of India (IBBI)
rep. by its Chairperson
7th Floor, Mayur Bhawan, Shankar Market
Connaught Circus, New Delhi - 110 001.
4. National Company Law Tribunal
rep. by Hon'ble Registrar
Block No.3, Ground Floor, 6th, 7th and 8th Floor
CGO Complex, Lodhi Road
New Delhi - 110 003.
5. MD.Sherif Tariq
Presiding Officer
NCLT - Chennai Bench
Corporate Bhawan II Floor, Beach Road
Mannady, George Town
Chennai, Tamil Nadu - 600 001. .. Respondents in both WPs.

Prayer in W.P.No.11059 of 2019: Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus to direct the first respondent to constitute a committee of experts comprising representatives of 1st to 4th respondents and any others deemed fit, to look into the suggestions made by the petitioner vide his letter dated 27.10.2018 for strengthening the adjudicating mechanism, of this important Economic Legislation, namely Insolvency and Bankruptcy Code 2016, giving recommendations within a reasonable period.

Prayer in W.P.No.11062 of 2019: Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus to direct respondents 1 and 2 to constitute a committee to inquire into the representations made by the petitioner vide his letter dated 15.11.2018 against the 5th respondent for initiating proceedings under Section 417(e) of the Companies Act, 2013 within a reasonable period.

For Petitioner : Mr.V.Venkata Siva Kumar
in both WPs Party-in-person

For Respondents : Mr.Sankaranarayanan
in both WPs Additional Solicitor-General
at India assisted by
Mr.C.V. Ramachandramurthy
for respondents 1 to 4

COMMON ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

These writ petitions pertain to the matters covered by the Insolvency and Bankruptcy Code and the functioning of the authorities thereunder.

2. The matter falls squarely within the domain of the legislature and suggestions, if any, that may be made by the executive for the proper functioning of the authorities constituted under the statute.

3. The Union says that since the petitioner is a practising Chartered Accountant, the entire set of suggestions bears a slant. It is also submitted on behalf of the Union that a particular official has been indirectly sought to be targeted.

4. The matters carried to Court cannot be looked into nor can any mandamus be issued to either the legislature to

incorporate any suggestion put forth by the petitioner or any direction issued to the executive as to the manner in which bodies organized under the Act ought to function. Both the petitions may be taken as a representation of a well-wisher. The appropriate authorities will look into the matter and it will be completely open to such authorities to incorporate or reject the petitioner's suggestions or any part thereof.

5. It is made clear that this Court has not applied its mind to the suggestions, particularly since there may not be any sequitur thereto.

W.P.Nos.11059 and 11062 of 2019 are disposed of without any order as to costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sasi

To:

1. The Secretary to the Government of India
Union of India
Ministry of Corporate Affairs (MCA)
Garage No.14, "A" Wing
Shastri Bhawan, Rajendra Prasad Road
New Delhi - 110 001.
2. The Secretary to the Government of India
Union of India
Ministry of Law and Justice
4th Floor, A-Wing, Shastri Bhawan
New Delhi, Delhi.
3. The Chairperson
Insolvency and Bankruptcy Board of India (IBBI)
7th Floor, Mayur Bhawan, Shankar Market
Connaught Circus, New Delhi - 110 001.
4. The Registrar
National Company Law Tribunal
Block No.3, Ground Floor, 6th, 7th and 8th Floor
CGO Complex, Lodhi Road
New Delhi - 110 003.

5. The Presiding officer,
NCLT Chennai Bench,
Corporate Bhawan II Floor, Beach Road,
Mannady George Town,
Chennai, Tamilnadu-600 001.

+1cc to Mr.CV. RAMACHANDRAMURTHY, Advocate, S.R.No.3651

NRJK(CO)
SM11/02/2021

W.P.Nos.11059 and 11062 of 2019



WEB COPY