



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2021

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.A.No.171/2016 and CMP.No.2375/2016

Concast Steel & Power Ltd.
Rep. by Manager (Legal) A.N.Bhattacharya
21, Hemanta Basu Sarani,
Centre Point,
Suite No.511 & 512,
5th Floor,
Kolkata-700 001.

... Appellant

-vs-

1.Micro and Small Enterprises Facilitation Council,
Guindy, Chennai-600 032.

2.Samay Project Services Pvt. Ltd.,
1218, 17th Street,
West End Colony,
Mogappair, Chennai-600 050.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent
against the order dated 14.12.2015 made in W.P.No.34006/2014.

Prayer in W.P.No.34006/2014

Writ Petition filed under Article 226 of the Constitution
of India, praying to issue a Writ of Certiorari calling for the
records of the 1st Respondent in its order dated 10.10.2014 in
O.P.No.MSEFC/CR/34/2014, quash the same.

For Appellant : Mr.S.R.Raghunathan

For 2nd Respondent : Mr.Roshan Balasubramanian

For 1st Respondent : No Appearance



JUDGMENT

(Judgment of the Court was pronounced by T.RAJA, J.)

This Writ Appeal has been directed against the order dated 14.12.2015 made in W.P.No.34006/2014 by a learned Single Judge of this Court.

2. Learned Counsel for the appellant submitted that during the pendency of this Writ Appeal, when insolvency proceedings were initiated against the appellant company by one Shreeshyam Metaliks Private Limited before the National Company Law Tribunal, Kolkatta Bench, Kolkatta, an order dated 07.11.2017 has been passed. Learned Counsel for the appellant filing a Memo dated 28.06.2021 further submitted that now the National Company Law Tribunal has ordered the appellant-company to be liquidated by its order dated 26.09.2018 and the affairs of the company have been taken over by the Liquidator.

3. In this regard, it is useful to extract the Memo dated 28.06.2021 filed by the learned Counsel for the appellant hereunder:

'MEMO FILED ON BEHALF OF THE COUNSEL FOR THE APPELLANT

The Counsel for the applicant begs to submit as follows:

1. The Counsel for the applicant submits that insolvency proceedings were initiated against the appellant by one, Shreeshyam Metalika Private Limited before the Hon'ble National Company Law Tribunal, Kolkata and the Hon'ble Tribunal vide its Order dated 07.11.2017 was pleased to pass an order of moratorium prohibiting continuation of proceedings against the corporate debtor.

2. Subsequently, as IRP did not receive any viable Resolution Plan, Committee decided to liquidate the appellant. Hence, the Hon'ble National Company Law Tribunal ordered the appellant to be liquidated vide order dated 26.09.2018. The affairs of the company thereon have been taken over by the Liquidator.

3. The appellant files the present memo to bring the aforesaid facts to the knowledge of this Hon'ble Court. The orders of the Hon'ble Tribunal dated 07.11.2017 and 26.09.2018 is being enclosed herewith for the kind perusal of this Hon'ble Court.

It is therefore, in the interest of justice necessary and prayed that this Hon'ble Court may be pleased to take this memo on record and pass such



further or other orders as this Hon'ble Court may deem fit in the facts and circumstances of the case and thus render justice.

Dated on this the 28th day of June, 2021.'

WEB COPY

4. Considering the facts and circumstances of the case, more particularly, the fact that the affairs of the appellant company have been taken over by the Liquidator, we are not able to proceed further. Therefore, we are of the view that nothing survives for further adjudication in this Writ Appeal, hence, recording the submission and Memo of the learned Counsel for the appellant dated 28.06.2021, the Writ Appeal is dismissed as infructuous. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

tsi

To

The Officer/Incharge,
Micro and Small Enterprises Facilitation Council,
Guindy, Chennai-600 032.

+1cc to Mr.J.Sivanandaraj, Advocate (SR No.30952)

+1cc to Mr.SR.Raghunathan, Advocate (SR No.31048)

W.A.No.171/2016

GSM (CO)
PR (12/08/2021)