



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11.08.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P.No.16764 of 2021

and W.M.P.Nos.17728 and 17732 of 2021

M/s. Khoday India Ltd.

Rep. by its Power of Attorney Holder Jaipal Reddy

Having its registered office at

Brewery House, 7th Mile

Kanakapura Road, Bangalore

Karnataka.

.. Petitioner

Vs.

1 Union of India

Through The Ministry of Corporate Affairs

A-Wing, Shastri Bhavan, Rajendra Prasad Road

New Delhi 110 001

2 The Registrar

National Company Law Tribunal, Chennai Bench

Corporate Bhavan (UTI Building)

3rd Floor, No.29 Rajaji Salai

Chennai 600 001.

3 S.Rajendran

4 Empee Distilleries Limited

99, Canal Bank Road, CIT Nagar,

Nandanam, Chennai 600 035.

5 SNJ Distillers Private Limited

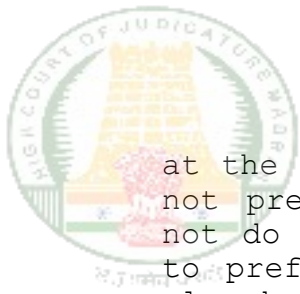
99, Canal Bank Road

CIT Nagar, Nandanam

Chennai 35

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the Common order dated 20.01.2020 passed by the 2nd Respondent in MA/780/2019 and MA/1250/2019 in CP/280/IB/2018 and quash the same and forbear the respondents



at the appropriate stage. It is evident that the petitioner has not preferred any appeal within the time permitted. It would not do for the petitioner to merely suggest that since the time to prefer an appeal against the order approving the resolution plan has passed, the Writ Court will reopen the matter to enter into an arena of disputed facts pertaining to a money claim for the purpose of assessing the same.

6. The remedy of the petitioner may lie elsewhere; and even if the remedy may not be available, the petitioner has only itself to blame for not pursuing its claim with due diligence at the appropriate stage. The Writ Court will, ordinarily, not come to the assistance of a laggard or a person who sleeps over his rights.

7. For the reasons aforesaid, W.P.No.16764 of 2021 is not entertained and is dismissed. The petitioner is left free to pursue whatever other remedy that may be available to the petitioner in accordance with law. There will be no order as to costs. Consequently, W.M.P.Nos.17728 and 17732 of 2021 are closed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

To:

- 1 The Secretary to Union of India
Ministry of Corporate Affairs
A-Wing, Shastri Bhavan
Rajendra Prasad Road
New Delhi 110 001
- 2 The Registrar
National Company Law Tribunal, Chennai Bench
Corporate Bhavan (UTI Building)
3rd Floor, No.29 Rajaji Salai
Chennai 600 001.

+1cc to Mr.M.Sathyan ACGSC, Advocate, S.R.No.39583

W.P.No.16764 of 2021

MG(CO)
SB(18/08/2021)