



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 30.11.2021
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.23850 and 23851 of 2021

And

W.M.P.Nos.25125, 25126, 25127 and 25129 of 2021

R.Arumugasamy

... Petitioner in both the W.Ps.

Vs.

1. Ashok Seshadri

Liquidator - M/s.R.A.Samy Trading Private Limited
(Resolution Professional of M/s.R.A.Samy Trading Private Limited)

A2, Dynamic Apartments,
Parangusapuram Street,
Kodambakkam,
Chennai 600 024.

2. The Chief Manager

M/s.Punjab National Bank,
SASTRA Branch,
Zonal Sastra Centre,
No.63, R.K.Salai
Chennai 600 004.

... Respondents in both the W.Ps.

3. The Dealing Officer

M/s.Punjab National Bank,
SASTRA Division,
Zonal Sastra Centre,
No.63, R.K.Salai,
Chennai 600 004.

... Respondent in W.P.23850/2021

Prayer in W.P.No.23850 of 2021:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the 1st Respondent Stakeholders Consultative Committee (SCC) minutes of meeting dated 07.10.2021 and quash the same and forbearing the Respondents from taking any further or consequential steps in pursuance of the Stakeholders Consultative Committee (SCC) minutes of meeting dated 07.10.2021.



Prayer in W.P.No.23851 of 2021:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the auction notice dated 18.10.2021 issued by the first respondent in paper publication and quash the same and forbearing the respondents from taking any further or consequential steps in pursuance of the Auction notice dated 18.10.2021 published in the Economic Times Newspaper.

For Petitioner : Mr.P.Wilson
Senior Counsel
for M/s.B.Natarajan

For Respondents : Mr.Vipin Warriar for R1
Mr.M.L.Ganesh for R2 and R3

C O M M O N O R D E R

W.P.No.23850 of 2021 has been filed seeking issuance of a Writ of Certiorarified Mandamus to call for the records of the 1st Respondent Stakeholders Consultative Committee (SCC) minutes of meeting dated 07.10.2021 and quash the same and forbearing the Respondents from taking any further or consequential steps in pursuance of the Stakeholders Consultative Committee (SCC) minutes of meeting dated 07.10.2021.

2.W.P.No.23851 of 2021 has been filed seeking issuance of a Writ of Certiorarified Mandamus to call for the records of the auction notice dated 18.10.2021 issued by the first respondent in paper publication and quash the same and forbearing the respondents from taking any further or consequential steps in pursuance of the Auction notice dated 18.10.2021 published in the Economic Times Newspaper.

3.The learned Senior Counsel appearing for the petitioner would submit that as against the order passed by the Liquidator appropriate remedy is available to the petitioner under Section 61 of IBC before NCLT. Hence, this Court may grant liberty to the petitioner to file appropriate application before NCLT as against the impugned order passed by the Official Liquidator.

4.Learned counsel appearing for the respondents raise no serious objection for this Court considering the request made by the learned Senior Counsel appearing for the petitioner.

5.In view of the limited request made by the learned Senior Counsel appearing for the petitioner, this Court without expressing any opinion on the merits of the case, grants liberty



to the petitioner to file appropriate application before NCLT as against the impugned order passed by the Official Liquidator, within a period of two weeks. However, auction proceedings may go on and any auction proceedings undertaken by the Official Liquidator is subject to the result of the petition/application, if any, filed by the petitioner before NCLT within a period of two weeks.

6. These writ petitions are accordingly disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Manager
M/s.Punjab National Bank,
SASTRA Branch,
Zonal Sastra Centre,
No.63, R.K.Salai
Chennai 600 004.
2. The Dealing Officer
M/s.Punjab National Bank,
SASTRA Division,
Zonal Sastra Centre,
No.63, R.K.Salai,
Chennai 600 004.

W.P.Nos.23850 and 23851 of 2021

And

W.M.P.Nos.25125, 25126,
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MG(CO)
CT 08/12/2021