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WPO 1767 of 2021
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

SONY PICTURES NETWORKS INDIA PRIVATE LIMITED
VERSUS
NATIONAL COMPANY LAW TRIBUNAL, KOLKATA BENCH AND OTHERS

BEFORE:
The Hon'ble JUSTICE RAJASEKHAR MANTHA
Date : 10th JANUARY, 2022

APPEARANCE:
Mr. Jatinder Singh Dhatt,Adv.

Mr. Jishnu Saha,Sr. Adv.
Mr. Biswajit Dubey,Adv.
Mr. Madhav Kanoria,Adv.
Mr. Souvik Mazumder,Adv.
Mr. Sourajit Dasgupta,Adv.
Ms. Surabhi Khattar,Adv.

The Court : The writ petitioner is aggrieved by C.P.(I.B.)/1634(KB)2018 which is pending before the NCLT, Kolkata for more than 9 months. There are approximately three interim applications pending under the aforesaid CP.

Counsel for the petitioner would urge firstly that the period under Section 12 of the IBC read with Section 33 thereof is mandatory. The NCLT has exceeded its jurisdiction in conducting proceedings for more than 9 months far beyond that period. It is next argued that since an application for liquidation has been filed before the NCLT in the aforesaid CP, the question of consideration of Resolution Plan any further, therefore, cannot arise.

Mr. Saha, learned Senior Advocate appearing for the petitioner would argue that the timeframe specified under Section 12 is not mandatory. It is submitted that all pleadings in the proceedings are complete.

This Court does not wish to enter into the controversy at this stage. The NCLT, Kolkata is directed to complete and conclude all the proceedings in C.P. (I.B.)/1634(KB)2018 mandatorily and positively within a period of three months from the date of communication of a copy of this order. It is submitted that the next dates for one of the interim applications is 14th January, 2022 and for others is 25th January, 2022. It is expected that all the interlocutory/interim applications would be heard on the same day.

It is made absolutely clear that this Court has not, in any way, entered into the merits of any of the claims made by the parties and the NCLT shall deal with the matter independently and in accordance with the applicable laws.

Since no affidavits are called for, none of the allegations contained in the petition would be deemed to have been admitted by the respondents.

With the aforesaid directions, the writ petition is disposed of.

There shall be no order as to costs.

(RAJASEKHAR MANTHA, J.)