



W.P.No.1816 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

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

W.P.No.1816 of 2021

State Bank of India
Stressed Assets Management Branch
1112, Raja Plaza
Avinashi Road
Coimbatore 641 037
Rep. by Chief Manager

.. Petitioner

Vs.

1. The Assistant Commissioner
Office of the Assistant Commissioner of
Goods and Service Tax & Central Excise
Pollachi Division, Jothi Nagar
"D" Colony, Pollachi – 642 001.

2. The Joint Sub Registrar
Negamam
Tirupur, Arasapalayam
Pollachi – 642 001.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus, calling for the records of the first respondent order No.C.No.IV/16/19/2017-CE Arrears, dated 3.12.2020 and quash the same and consequently direct the second respondent to cancel the attachment order dated 22.1.2018 registered as Doc.No.5/2018 on 31.01.2018 on the file of the second respondent within a time frame.

For the Petitioner : Mr.B.Raghavulu Naidu

For the Respondents : Mr.M.Santhanaraman
for R1

Mr.Karthik Jagannath
Government Advocate
for R2

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.B.Raghavulu Naidu, learned counsel for the petitioner, Mr.M.Santhanaraman, learned counsel for the first respondent and Mr.Karthik Jagannath, learned Government Advocate for the second respondent.



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2. It is not disputed that the matter under Insolvency and Bankruptcy Code, 2016 (for brevity, hereinafter referred to as, "the IBC of 2016") is pending before the National Company Law Tribunal against the corporate debtor.

3. It is submitted by learned counsel for the first respondent that once an application under Section 95 of the IBC of 2016 is filed, the adjudicating authority has to act on it. It is further submitted that Section 60 of the IBC of 2016 provides that the adjudicating authority, with regard to insolvency resolution and liquidation for corporate persons including corporate debtors and personal guarantors, is the National Company Law Tribunal.

4. Learned counsel for the petitioner and learned counsel for the first respondent are *ad idem* that the matter will have to be dealt with by the National Company Law Tribunal.



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5. In the light of that, the writ petition stands disposed of. The petitioner may take steps before the National Company Law Tribunal, as may be permissible in law. In that event, all the contentions of the respective parties are kept open.

6. In view of the disposal of the present writ petition, the interim order, granted earlier, does not survive.

7. There will be no order as to costs. Consequently, W.M.P.No.2031 of 2021 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

05.09.2023

Index : Yes/No

Neutral Citation : Yes/No

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To

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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU, J.

(drm)

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