



WEB COPY



W.P.No.30035 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2023

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.30035 of 2023

1. The State of Tamil Nadu
rep. By its Secretary to Government
Revenue and Disaster Management Department
Fort St. George, Chennai – 600 009.
2. The District Collector
O/o. The District Collector
Nilgiris.
3. The District Forest Officer
Nilgiris Forest Division
Nilgiris.

.. Petitioners

Vs

1. Hindustan Photo Films Manufacturing Co. Ltd
rep. By the Official Liquidator,
C.A.Mahalingam Suresh Kumar
SSP Insolvency Professions LLP
No.27/9, Nivedh Vikas
Pankaja Mill Road, Puliyakulam
Coimbatore – 641 045.



W.P.No.30035 of 2023

2. C.A.Mahalingam Suresh Kumar
SSP Insolvency Professions LLP
No.27/9, Nivedh Vikas
Pankaja Mill Road, Puliyakulam
Coimbatore – 641 045.

3. The Registrar
National Company Law Tribunal
Division Bench-I
Chennai.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records on the file of the second respondent with respect to sale notice under IBC 2016 dated 11.9.2023 in the matter of M/s.Hindustan Photo Films Mfg Co. Limited (In Liquidation) with respect to sale of assets and properties owned by M/s.Hindustan Photo Films Mfg Co. Limited (In Liquidation) forming part of Liquidation Estate by the Liquidator appointed by the National Company Law Tribunal, Chennai, Chennai Bench vide order No:IA(IBC)/204(CHE)/2023 in TCP/1/2021, dated 31.3.2023 and quash the same.

For the Petitioners	: Mr.J.Ravindran Additional Advocate General assisted by Dr.T.Seenivasan Special Government Pleader assisted by Mr.S.J.Md.Sathik Government Advocate
---------------------	--



WEB COPY



W.P.No.30035 of 2023

For the Respondents : Mr.A.G.Sathyanarayana
Counsel for the Official
Liquidator appointed by NCLT

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

We have heard Mr.J.Ravindran, learned Additional Advocate General.

2. Mr.A.G.Sathyanarayana, learned counsel for the Official Liquidator appointed by the National Company Law Tribunal (NCLT), is present before the court.

3. Learned Additional Advocate General submits that auction is sought to be held on the basis of the order passed by the NCLT in respect of the government land and the said government land has been resumed by the government from the Corporate Debtor under order dated 19.2.2020. However, in spite of the fact that the land is resumed by the government,



W.P.No.30035 of 2023

the sale of that asset is being conducted. The sale is scheduled today.

4. Learned counsel for the Official Liquidator submits that the bid time is over and no bids are received. The sale pursuant to the sale notice issued by the Liquidator, which is the subject matter of challenge in the present writ petition, now would not take place. The last date for receipt of the Earnest Money Deposit (EMD) was 5.10.2023 and no EMD has been received.

5. In view of that, the imminent apprehension that the petitioners had would not survive. The petitioners may appear before the NCLT and make necessary applications, as may be permissible.

6. In view of the above, we have not entered into the question of maintainability of the writ petition.



W.P.No.30035 of 2023

WEB COPY

The writ petition is disposed of accordingly. There will be no order as to costs. Consequently, W.M.P.Nos.29663 and 29666 of 2023 are closed.

(S.V.G., C.J.)

(D.B.C., J.)

12.10.2023

Index : Yes/No
Neutral Citation : Yes/No
sasi

To:

The Registrar
National Company Law Tribunal
Division Bench-I
Chennai.



WEB COPY



W.P.No.30035 of 2023

THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

(sasi)

W.P.No.30035 of 2023

12.10.2023