

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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**CWP-25399-2016 (O&M).
Date of Decision: 23.01.2023.**

IFCI Limited through its authorized Officer.

...Petitioner

Versus

Permanent Lok Adalat (Public Utility Services) Palwal and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: None for the petitioner.

Mr. Shiv Kumar, Advocate,
for respondents No.2 and 3.

Mr. Kushagra Beniwal, Advocate, for
Mr. Rajiv Sidhu, Advocate,
for respondents No.4 to 6.

VINOD S. BHARDWAJ. J (ORAL).

The present writ petition has been filed for seeking issuance of a writ of in the nature of certiorari for quashing the order dated 14.07.2016 (Annexure P-11) passed by the Permanent Lok Adalat (Public Utility Services) Camp Court at Palwal, whereby a direction had been issued to the respondent to deliver the possession at the site by 04.08.2016 by way of an interim order.

Learned counsel appearing on behalf of respondent No.2 and 3 points out that the proceedings have already been finally decided by the Permanent Lok Adalat (Public Utility Services), Palwal and that the present petition had been filed against an interim order.

It has been pointed out by the learned counsel appearing on behalf of respondents No.4 to 6 that proceedings under Section 7 of the Insolvency and Bankruptcy Code, 2016 (for brevity 'the Code') had been initiated against the said respondents in C.P. No.1B-1083 (PB)/2018 and a moratorium under Section 14 of the Code has already been ordered vide order dated 05.12.2018. He contends that since the proceedings are already pending before the IBC and the Interim Resolution Professional has been appointed, the petitioner may have recourse to his remedies before the Appropriate Authority.

Taking into consideration the contentions noticed above and the fact that the present petition had been filed against the interim order and also the fact that the proceedings under the Code had already been initiated against respondents No.4 to 6, the present petition is disposed of at this stage. However, liberty is granted to the petitioner to take recourse to the alternative remedies available to the petitioner in accordance with law or to seek revival of the present petition in case the averments noticed hereinabove are found to be incorrect.

January 23, 2023
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No