



W.P.No.3420 of 2015 & M.P.No.2 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.01.2024

Coram:

THE HONOURABLE Mr. JUSTICE N. SENTHILKUMAR

W.P.No.3420 of 2015
& M.P.No.2 of 2015

The Management,
M/s.Floram Shoes (India) Pvt. Ltd,
M.C.Road, Agaramcherry Post,
Madhanur Via, Vellore District,
Represented by its Director.

... Petitioner

/versus/

1. The Presiding Officer,
Additional Labour Court,
Vellore.

2. B.Sathullah.

...Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorari to call for the records connected with I.D.No.201 of 2011 and quash the award dated 29.12.2014 made therein by the First Respondent, Labour Court, Vellore.

For Petitioner	: Mr.Venkatesh Kumar, for M/s.Gupta and Ravi
For R1	: Court
For R2	: Mr.E.Srinivasan

ORDER

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The present writ petition is filed by the Management challenging the award passed by the 1st respondent.

2. Heard Mr.Venkatesh Kumar, Learned Counsel for the petitioner and Mr.E.Srinivasan, Learned Counsel appearing for the 2nd respondent.

3. The Learned Counsel appearing for the petitioner/Management submits that the Management is in liquidation under Section 9 r/w Rule 6 of IBC, 2016 vide proceedings in IBA/579/2019 before the National Company Law Tribunal, Chennai.

4. The Learned Counsel for the petitioner has filed a memo which will form part of this order, which is as follows;

“It is respectfully submitted that during the pendency of the above writ Petition, a Corporate Insolvency Resolution Process (CIPR), u/s 9 Rule 6 of the Insolvency and Bankruptcy Code, 2016, ("IB Code") has been commenced against the 2nd Respondent Company.



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The National Company Law Tribunal, Division Bench, Chennai, by order dated 01/08/19, has declared moratorium and has prohibited the continuation of any pending suits or proceedings against the Petitioner Company and has further appointed an Interim Resolution Professional (IRP). The copy of the order dated 01/08/19 passed by the NCLT, Chennai, has been enclosed herewith.

It is therefore humbly prayed that this Hon'ble Court may be pleased to record the commencement of Corporate Insolvency Resolution Process (CIPR) against the Petitioner Company ordered by the NCLT, Chennai, on 01/08/19 and stay all further proceedings in this W.P. No. 3420 of 2015 and thus render Justice.”

5. Since the Petitioner/Management is under liquidation, any proceedings initiated interregnum will automatically gets abated and if the 2nd respondent is willing to peruse the matter, 2nd respondent can file an appropriate application through Resolutional Professional, as a party respondent before the Company Law Board in the pending proceedings.



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6. With the above said observation, this Writ Petition is closed.

Consequently, connected Miscellaneous Petition is closed. No costs.

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Index :Yes/No.
Internet :Yes/No.
Speaking Order/Non-Speaking order
bsm

Copy to:-

1. The Presiding Officer,
Additional Labour Court,
Vellore.

N.SENTHILKUMAR, J.



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