



Arb.O.P.(Com.Div)No.643 of 2022

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**C.SARAVANAN, J.**

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*Prima facie*, this Original Petition is appears to be contrary to the restrictions contained under proviso to Section 33(5) of the Insolvency and Bankruptcy Code, 2016. Proviso to Section 33(5) of the Insolvency and Bankruptcy Code, 2016 reads as under:-

“(5)Subject to Section 52, when a liquidation order has been passed, no suit or other legal proceeding shall be instituted by or against the corporate debtor.

Provided that a suit or other legal proceeding may be instituted by the liquidator, on behalf of the corporate debtor, with the prior approval of the Adjudicating Authority.”

2. The learned counsel for the petitioner therefore seeks time to obtain suitable permission from the Adjudicating Authority namely National Company Law Tribunal for initiating this proceedings.

3. List this case after four weeks.

**23.01.2024**

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