



W.P. No.17727 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P. No.17727 of 2024

and

W.M.P.No.19469 of 2024

in

W.P.No.17727 of 2024

R.Karunakaran
S/o.Ranganathan

.. Petitioner

Vs.

1. The Registrar
National Company Law Tribunal Chennai Bench
Chennai.
2. M/s.Nagarjuna Oil Corporation Limited
Kayalpattu, Kambalimedu
Thiruchopuram & Andarmullipallam Villages
Cuddalore Taluk
Cuddalore.
3. V.Mahesh
Liquidator of M/s.Nagarjuna Oil Corporation Limited
No.55, Anna Salai, Capitale Towers
B Wing, 8th Floor (Opp. to Grand Hyats Hotel)
Teynampet, Chennai-600 018.



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4. IDBI Bank Limited
Represented by all the Secured Financial Creditors of NOCL
IDBI Tower, WTC Complex
Caffe Parade, Mumbai - 400 005.
5. Haldia Petrochemical Limited
Tower 1, Bengal Eco Intelligent Park (Techna)
Block E, Plot No.3
Sector V, Salt Lake
Kolkatta - 700 091.
6. The Superintendent of Police
Office of the Superintendent of Police
Cuddalore District.
- .. Respondents

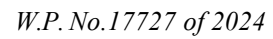
Writ petition filed under Article 226 of the Constitution of India
praying to issue a writ of Certiorari, to quash the E-Auction Notice
published on 05.06.2024 by the 3rd respondent.

For Petitioner : Mr.R.Esakki Raja

ORDER

(Order of the Court was made by **M.Sundar, J.**)

Captioned main 'Writ Petition' {hereinafter 'WP' for the sake of
brevity} has been filed seeking a writ of certiorari qua a 'E-auction notice
dated 05.06.2024' {hereinafter 'impugned auction notice' for the sake of
convenience, clarity and brevity} issued by R3 and a scanned
reproduction of the impugned auction notice as placed before us is as



follows:

<https://www.mhc.tn.gov.in/judis>
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2. Auction is scheduled to be held on 08.07.2024 between 9.30 hours and 18.00 hours.

3. Mr.R.Esakki Raja, learned counsel on record for writ petitioner, adverting to support writ affidavit submits that one 'Petron Engineering Construction Limited' {hereinafter 'PECL' for the sake of brevity} was doing some civil work for R2 (Nagarjuna Oil Corporation Limited, Kayalpattu, Kambalimedu, Thiruchopuram & Andarmullipallam Villages, Cuddalore Taluk, Cudalore, which is under liquidation vide proceedings before 'National Company Law Tribunal, Chennai Bench' {hereinafter 'NCLT' for the sake of brevity} vide order dated 11.12.2018) and that writ petitioner is a sub-contractor of PECL. In support of this contention, learned counsel drew our attention to two work orders dated 08.02.2011 and 11.03.2011 issued by PECL to writ petitioner. As regards proceedings before NCLT, learned counsel drew our attention to list of stakeholders and further drew our attention to S.Nos.65 and 66 which talk about 'R.K.Transport' and 'R.Karunakaran' as stakeholders and the tabulation shows them as 'transporter' and 'material supplier' respectively. It also shows that they are unsecured creditors and that their claims have been partially admitted.



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4. We carefully perused the aforementioned papers to which our attention was drawn. The tabulation before NCLT is qua a company which goes by name 'KSS Petron Private Limited' {hereinafter 'KSSPPL' for the sake of brevity} and not PECL. Obviously, a company being a juristic person, PECL and KSSPPL cannot be one and the same and no document or material was brought to our notice to show that PECL and KSSPPL are one and the same.

5. In the light of the narrative thus far, on the aforementioned short point, we find that captioned WP does not pass muster in the Admission Board.

6. Be that as it may, we make it clear that if the writ petitioner approaches NCLT or any other Fora on the subject matter of captioned WP, such Fora shall consider the matter on its own merits and in accordance with law *de hors* dismissal of captioned WP by this order. To put it differently, this order will neither impede nor serve as an impetus as regards such other action at law in NCLT or any other Fora.



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7. Ergo, the sequitur is, captioned main WP is dismissed albeit preserving the rights of the writ petitioner in the aforesaid manner. Consequently, captioned Writ Miscellaneous Petition is also dismissed. There shall be no order as to costs.

(M.S.J.) (K.G.T.J.)
03.07.2024

Index: Yes/No
Neutral Citation: Yes/No
Speaking/Non-speaking

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To
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