



WEB COPY



W.P.Nos.34134 & 34137 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2024

CORAM

THE HON'BLE Mr. JUSTICE S.S.SUNDAR
AND
THE HON'BLE Mr. JUSTICE P.DHANABAL

W.P.Nos.34134 & 34137 of 2018

AND

W.M.P.No.39668 of 2018

Spicejet Limited
Having its registered office at
Indira Gandhi International Airport Terminal 1D
New Delhi 110 037
India
And an office at
319, Udyog Vihar
Phase IV, Gurugram 122016
Haryana, India

.. Petitioner in both WPs

Vs.

1.Union of India
Rep. by Secretary
Ministry of Corporate Affairs
'A' Wing, Shastri Bhawan
Rajendra Prasad Road
New Delhi 110 001

2.National Company Law Tribunal (Chennai Bench)
Rep. by its Registrar
Corporate Bhavan, 3rd Floor
26, Rajaji Salai
Chennai 600 001



W.P.Nos.34134 & 34137 of 2018

3.Credit Suisse AG
Having its office at
Uetlibergstrasse 231 (C2)
8045, Zurich
Switzerland

.. Respondents in both WPs

W.P.No.34134 of 2018 : Writ Petition filed under Article 226 of the Constitution of India for a writ of declaration declaring the 1st and 2nd provisos to Section 434(1)(C) of the Companies Act, 2013 as unconstitutional and void.

W.P.No.34137 of 2018 : Writ Petition filed under Article 226 of the Constitution of India for a writ of declaration declaring the impugned Rule 5 of the Companies (Transfer of Pending Proceedings) Rules, 2016 as amended by the Companies (Transfer of Pending Proceedings) Second Amendment Rules, 2017 and Rule 6 of the Companies (Transfer of Pending Proceedings) Rules, 2016, notified by the Central Government exercising its powers under Section 434(1), 434(2) and 470(1) of the Companies Act, 2013 (18 of 2013) to the effect of directing the winding up petitions filed and/or pending under Section 433 and 434 of the Companies Act, 1956 to be transferred to the respective benches of the National Company Law Tribunal to be disposed of in terms of the provisions of the Insolvency and Bankruptcy Code of India 2016 (as amended) and Rules framed thereunder as ultra vires the legislative competence of the Parliament/repugnant to the existing provisions of the Section 433/434 of the Companies Act, 1956 as saved in terms of the saving provisions of Section 465 of the Companies Act, 2013 and ultra vires the provisions of Articles 14, 19(1)(g), 20, 21 and 323B of the Constitution of India.



W.P.Nos.34134 & 34137 of 2018

For Petitioner : Mr.B.Balachander
in both WPs
For RR1 & 3 : No appearance
in both WPs
For R2 : Tribunal
in both WPs

COMMON ORDER

(Made by S.S.SUNDAR, J.)

The learned counsel for the petitioner submits that the prayer in these writ petitions have become infructuous and he has also made endorsements in the respective case bundles to that effect.

2. Recording the above submission and endorsement made by the learned counsel for the petitioner, these writ petitions are dismissed as having become infructuous. No costs. Connected W.M.P. is closed.

[S.S.S.R.,J.] [P.D.B., J.]
21.11.2024

Internet : Yes
Neutral Citation : Yes/No
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W.P.Nos.34134 & 34137 of 2018

S.S.SUNDAR, J.
AND
P.DHANABAL, J.

gya

To

1.The Secretary
Union of India\
Ministry of Corporate Affairs
'A' Wing, Shastri Bhawan
Rajendra Prasad Road
New Delhi 110 001

2.The Registrar
National Company Law Tribunal (Chennai Bench)
Corporate Bhavan, 3rd Floor
26, Rajaji Salai
Chennai 600 001

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