

05.08.2025
Item No.13.
Court No.06.
S. De
265719

C.O. 2750 of 2025

Arabindo Kayal.
Vs
Suman Khanuja.

Mr. Sharanya Chatterjee,
Mr. Saptak Naskar,
Mr. Subhajit Barman, ...for the petitioner.

This application under Article 227 of the Constitution of India is at the instance of the opposite party in an Insolvency Case No. 50 of 2025 and is directed against the orders dated April 8, 2025, April 22, 2025 and April 29, 2025, all passed by the learned Additional District Judge, 7th Court, Alipore in Insolvency Case No. 50 of 2025.

The learned advocate appearing for the petitioner submits that such a proceeding could not have been instituted as the Provincial Insolvency Act, 1920 stood repealed by Section 243 of the Insolvency and Bankruptcy Code 2016.

The learned advocate appearing for the petitioner, in his usual fairness, submits that the petitioner appeared in the said insolvency case before the learned Additional District Judge, 7th Court, Alipore but has not filed any application challenging the maintainability of the said proceeding.

In the light of the submission made by the petitioner, C.O. 2750 of 2025 stands disposed of by giving liberty to the petitioner to file application challenging the maintainability of the said proceeding and if such an application is filed, the learned Additional District Judge, 7th Court, Alipore, South 24-Parganas is requested to take up the hearing of such application and make an endeavour to dispose of the same expeditiously after giving an opportunity to the opposite party herein to contest the same and to dispose of the application by passing a reasoned order.

(Hiranmay Bhattacharyya, J.)