IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.29846 of 2025

Rahul Bhakat & another …. ***Petitioners***

Mr. Manoj Kumar Mishra, Senior Advocate

-versus-

Union of India & others …. ***Opp. Parties***

Mr. Satyanarayan Pattanaik, C.G.C. for the Opp. Party No.1

CORAM:
THE HON'BLE MR. JUSTICE S.K. SAHOO
THE HON'BLE MR. JUSTICE S.S. MISHRA

ORDER
24.10.2025

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Mr. Manoj Kumar Mishra, learned Senior Advocate enters appearance on behalf of the petitioners by filing Appearance Memo in the Court today. The same is taken on record.

Mr. Satyanarayan Pattanaik, learned Central Government Counsel has entered appearance on behalf of the opposite party no.1 in this case by filing Appearance Memo in the Court today. The said appearance memo is taken on record.

The petitioners have assailed the order dated 17.10.2025 passed by the learned National Company Law Tribunal, Cuttack Bench at Cuttack in C.P.(IB) No.02/CB/2025 whereby the learned Tribunal has admitted the application under Section 9 of the Insolvency and Bankruptcy Code, 2016 filed by the opposite party no.2 and directed appointment of Interim Resolution Professional.

Mr. Manoj Kumar Mishra, learned Senior Advocate appearing for the petitioners submits that against the order impugned in this writ petition, admittedly the appeal lies to the Appellate Tribunal. However, the learned Appellate Tribunal is on Diwali vacation. In view of the urgency involved in this matter, the present writ petition has been preferred. He has relied upon the official calendar of the National Company Law Appellate Tribunal vide Annexure-8 to show that the learned Appellate Tribunal is on Diwali vacation. Today is the last day of the vacation and the Appellate Tribunal is going to reopen on Monday, i.e., on 27.10.2025.

Therefore, it would be expedient for us to allow the petitioners to prefer an appeal before the learned Appellate Tribunal by Monday, i.e., on 27.10.2025 and make a mention before the learned Appellate Tribunal on same day. If such appeal is moved before the

learned Appellate Tribunal, it is expected that the learned Appellate Tribunal shall take up the appeal filed by the petitioners forthwith.

Mr. Mishra, learned Senior Advocate is praying for stay of the impugned order. However, we are not inclined to pass any order because within the intervening period of Saturday and Sunday, we do not think any adverse would happen. Liberty has already been granted to the petitioners to make mention before the learned Appellate Tribunal on Monday i.e. on 27.10.2025.

With the aforementioned observation, the writ petition is disposed of.

Urgent certified copy of this order be granted as per rules.

(S.K. Sahoo)
Judge

(S.S. Mishra)
Judge

Subhasis

Signature Not Verified
Digitally Signed
Signed by: SUBHASIS MOHANTY
Designation: Personal Assistant
Reason: Authentication
Location: High Court of Orissa, Cuttack.
Date: 24-Oct-2025 17:31:48