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CRP NPD.No.1930 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 16.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRP NPD No.1930 of 2025 & CMP.No.11008 of 2025

BGR Energy Systems Ltd.,
Div-EED, 443, Anna Salai,
Teynampet, Chennai – 600 018,
Tamilnadu.

. . . Petitioner

Versus

M/s.Southern Engineering Works
Rep. by its Proprietor K.Anbumani
Having company at 2/1-88A, TCM Colony,
Kunjadiyur, Gonur, Post,
Mettur Dam, Salem District – 636 404.

. . . Respondent

PRAYER : Petition filed under section 115 of Code of Civil Procedure to allow the present Civil Revision Petition and set aside the Order and decretal Order dated 10.03.2025 in E.A.o.02/2025 in E.P.4326 of 2023 on the file of the learned XXVIII Assistant City Civil Court, Chennai.



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For petitioner : Mr.C.P.Prasanth Gopal

For Respondent : Mr.D.Shivakumaran

ORDER

Challenge has been made to the dismissal of the application filed by the petitioner under section 47 of Code of Civil Procedure in the present Civil Revision Petition.

2. The revision petitioner is the judgment debtor in the award passed by the Micro Small Enterprise Facilitation Council, Chennai dated 25.02.2022 and that award had reached finality. An Execution Petition has been filed to enforce the award. In the Execution Petition, though an affidavit of undertaking has been filed by the revision petitioner to pay the amount, later, an application under section 47 of Code of Civil Procedure has been filed contending that he availed loan from the bank and he had the benefit of Insolvency and Bankruptcy Code. In the meanwhile, his accounts has become NPA. Thereafter, the proceedings under Insolvency and Bankruptcy Code has



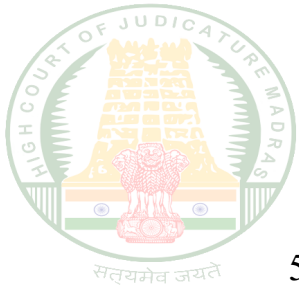
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also been initiated against the the petitioner by the National Company Law, Tribunal at Amaravathi in CP.Nos.58/7/AMR/2024 and 61/7/AMR/2024 under the provisions of Insolvency and Bankruptcy Code. Therefore, according to the petitioner, the Execution Petition cannot be enforced. The learned Execution Court has dismissed the application. Challenging the same, the present application has been filed.

3. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

4. The learned counsel appearing for the petitioner, except contending that the proceedings have been initiated before the National Company Law Tribunal, no document whatsoever has been filed. Further, there is no moratorium passed by National Company Law Tribunal. It is the further contention of the learned counsel appearing for the petitioner that the application is pending before NCLT and no Order has been passed. Be that as it may.



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5. Without any Order declaring moratorium prohibiting continuation of suit or any proceedings in any other Court, mere submission of the petitioner, in view of this Court, is not a ground to dismiss the Execution Petition. In such view of the matter, I do not find any merits in this petition.

6. Accordingly, this Civil Revision Petition is dismissed. No costs.
Consequently, connected miscellaneous petition is closed.

16.06.2025

Index : Yes / No
Internet: Yes
Speaking/non speaking order

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To,

The XXVIII Assistant Judge,
City Civil Court, Chennai.



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N. SATHISH KUMAR, J.

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