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C.R.P.No.1396 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

C.R.P.No.1396 of 2026

Maheshwaran
S/o.K.R.E.Arumugham
Ex-Managing Director
M/s.Shree Vaishnodevi Mills Pvt. Ltd.,
residing at No.8, NKPM Layout
Kamaraj Road, Coimbatore – 641 018.

... Petitioner

vs.

1. CA Mahalingam Suresh Kumar
Liquidator of Shree Vaishno Devi Mills Pvt. Ltd.,
No.27/9, Nevedh Vikas, Pankaja Mills Road
Puliyakulam, Coimbatore – 641 045.
Email ID : msureshkumar@icai.org

2. Stressed Assets Stabilization Fund
IDBI Tower, 3rd Floor, WTC Complex
Cuffe Parade, Mumbai – 400 005.

3. R.K.Palaniswamy
Proprietor of TKV Agencies
4/228, Ramampalayam
Mettupalayam – 631 301.

... Respondents



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Civil Revision Petition filed under Article 227 of the Constitution of India praying to issue appropriate directions to the Hon'ble National Company Law Appellate Tribunal, Chennai, to expeditiously dispose of Company App (AT)(CH) (INS) No.443 of 2024 within a time frame.

For Petitioner : Mr.Nithyaesh Natraj
for Mr.Vaibhav Rangarajan Venkatesh

ORDER

[made by **S. M. SUBRAMANIAM, J.,**]

The Present Civil Revision Petition has been instituted under Article 227 of the Constitution of India seeking directions to the National Company Law Appellate Tribunal, Chennai {hereinafter "NCLAT" for the sake of brevity} to expeditiously dispose of Company Appeal (AT)(CH) (INS) No.443 of 2024 within a time frame and pass orders.

2. Mr.Nithyaesh Natraj, learned counsel representing Mr.Vaibhav Rangarajan Venkatesh, on behalf of the petitioner, would mainly contend that the present petition has been instituted under Article 227 of the Constitution of India, since no appeal would lie under Section 62 of the Insolvency Bankruptcy Code, 2016 {hereinafter "IBC" for the sake of brevity} against the routine adjournments granted in a pending company

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appeal before the NCLAT. The learned counsel would solicit the attention of this Court with reference to the number of adjournments granted by the NCLAT and those orders would indicate that the matters are periodically adjourned.

3. The petitioner had preferred an appeal before the NCLAT under Section 61 of IBC. Section 62 of IBC contemplates the Appeal to Supreme Court. Sub-Section (1) of Section 62 of IBC enumerates that “any person aggrieved by an order of the National Company Law Appellate Tribunal may file an appeal to the Supreme Court on a question of law arising out of such order under this Code within forty-five days from the date of receipt of such order”.

4. In view of Section 62 of IBC, the jurisdiction of the High Court is ousted to entertain a civil revision petition against the proceedings pending before the NCLAT. Though the learned counsel would submit that only against the final order, an appeal would lie before the Hon'ble Supreme Court and more specifically on question of law, the present civil revision petition is to be entertained for issuing a direction for speedy disposal of the appeal.

5. Mere direction by the High Court to dispose of the appeal would do no service to the cause of justice. It is for the NCLAT to regulate its



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proceedings on Board and disposal of the appeals systematically so as to ensure that the matters are not pending for long years.

6. Contrarily, if the High Court routinely issues directions to dispose of matters, it may cause inconvenience to the NCLAT as it may not be in a position to dispose of the appeals on its Board. This is exactly the reason why the High Court is expected to exercise restraint while issuing directions for the speedy disposal of appeals by the Courts or Tribunals.

7. Before issuing such directions, the Courts dealing with such petitions are expected to take note of the pending position on their own Board or before the High Court. It would be very easy for the Courts to issue such a direction for disposal of a case but the practical difficulties as well as the non-cooperation of the parties before the Tribunal, must be taken into consideration. Only in exceptional circumstances, where the Court is of the opinion that a particular case is to be disposed of urgently, reasons must be recorded and terms and conditions may be imposed upon the parties to ensure their effective cooperation for the speedy disposal of the case.

8. In the present case, if any order is passed, it is appealable to the Hon'ble Supreme Court. That being the factum, it is for the parties to make an effective request to the NCLAT for speedy disposal of the case, in



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view of Section 64 of IBC which speaks about expeditious disposal of the applications. Contrarily, if the High Court issues a direction for speedy disposal, it would cause greater inconvenience to the NCLAT and therefore, this Court is of the view that the petitioner has to file a petition providing adequate reasons for speedy disposal of the case.

9. Granting liberty to the petitioner to ventilate their grievance before the NCLAT, the Civil Revision Petition stands dismissed. There shall be no order as to costs.

(S.M.S.,J.) (K.S.,J.)
09.03.2026

Index : Yes
Neutral Citation : Yes
Speaking / Non-speaking

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To

The Presiding Officer,
National Company Law Appellate Tribunal,
Chennai.

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**S. M. SUBRAMANIAM, J.,
and
K. SURENDER, J.,**

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