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C.R.P.Nos.1643 & 1626 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2026

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THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

C.R.P.Nos.1643 & 1626 of 2026

and

C.M.P.Nos.7690 & 7598 of 2026

KCP Shivaraman

... Petitioner
in both CRPs

VS.

Canara Bank
ARM Branch
Madurai.

... Respondent
in both CRPs

Civil Revision Petition No.1643 of 2026 filed under Article 227 of the Constitution of India praying to allow the Civil Revision petition and set aside the order dated 24.07.2025 passed in CP(IB)No.268 of 2024 by the Hon'ble National Company Law Tribunal, Special Bench-II, Chennai.

Civil Revision Petition No.1626 of 2026 filed under Article 227 of the Constitution of India praying to allow the Civil Revision petition and set aside the order dated 11.09.2025 passed by the Hon'ble National Company Law Tribunal, Bench-II, Chennai in I.A.No.1032/2025 in CP(IB)

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No.268 of 2024.

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For Petitioner in both CRPs : Mr.S.R.Rajagopal
Senior Counsel
for Ms.A.Anns Princy

For Respondent in both CRPs : Mr.R.Sreedhar

COMMON ORDER

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

The present two Civil Revision Petitions have been instituted under Article 227 of the Constitution of India.

2. Insofar as CRP.No.1626 of 2026 is concerned, the order dated 11.09.2025 passed by the “National Company Law Tribunal, Division Bench, Court-II, Chennai” [hereinafter “NCLT” for the sake of brevity] is under challenge.

3. An application came to be filed to take on record the report of the Resolution Professional under Section 99 of “the Insolvency and Bankruptcy Code, 2016” [hereinafter “IBC” for the sake of brevity] in Annexure-B as well as to condone the delay of 15 days in submitting the report. The reason for delay has also been explained in the application of



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the Resolution Professional.

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4. Considering the reasons stated in paragraph No.5 of the application, the NCLT condoned the delay and the report was taken on record. The petitioner before this Court filed an application seeking to dismiss C.P.(IB)/268(CHE)2024 as not maintainable and barred by limitation as the same issue is being dealt with as part of the original company petition filed in this case and a reply has also been e-filed. However, the Tribunal dismissed the petition and the said order is under challenge before this Court mainly on the ground that a cryptic / non-speaking order passed by the NCLT is not an appealable order under Section 61 of IBC.

5. Mr.S.R.Rajagopal, learned Senior Counsel appearing on behalf of the petitioner would contend that there was no adjudication nor reasons recorded and thus, C.R.P.No.1626 of 2026 filed under Article 227 of the Constitution of India is maintainable. To substantiate the contention, the learned Senior Counsel would refer to the judgment of the Hon'ble Supreme Court of India in the case of ***Dilip B.Jiwrajka Vs. Union of India and others*** reported in (2024) 5 SCC 435. He would solicit the attention of this Court with reference to the role of the Adjudicating Authority as held by the Hon'ble Apex Court in paragraph Nos.73 and 74 of the judgement

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cited supra. Relying on the said judgment, he would submit that no judicial adjudication is involved and therefore, C.R.P.No.1626 of 2026 is maintainable under Article 227 of the Constitution of India.

6. Insofar as CRP.No.1643 of 2026 is concerned, the NCLT passed an order in the matter of Section 95 of IBC. In respect of the order dated 11.09.2025, which is under challenge in CRP.No.1626 of 2026, the NCLT considered the issues on merits and appointed the Resolution Professional and she was directed to examine the application as set out in Section 97(6) of IBC.

7. The learned counsel appearing on behalf of the respondent - Canara Bank would submit that the Resolution Professional has already submitted her report which has been taken on record and that being so, the cause does not exist in respect of the petition filed in CRP.No.1643 of 2026.

8. This Court has considered the rival submissions made between the parties to the *lis*.

9. The scope of Section 61 of the IBC need not be restricted nor be qualified to entertain an appeal against the order passed by the NCLT. Section 61(1), in unambiguous terms, stipulates that any person aggrieved by an order of the Adjudicating Authority under this part may prefer an



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appeal to the National Company Law Appellate Tribunal. The provision

does not distinguish between orders which are speaking or non-speaking.

However, in respect of the impugned order dated 11.09.2025, the delay of 15 days was condoned by the NCLT and the report of the Resolution Professional was taken on record. The application filed by the petitioner seeking dismissal of C.P.(IB)/268(CHE)2024 was dismissed on the ground that the Tribunal did not find any merit in filing a separate interlocutory application. Both the orders under challenge are judicial orders passed in the applications filed between the parties and thus, appealable under Section 61 of the IBC.

10. When the Special Enactment expressly ousts the jurisdiction of the High Court under Articles 226 and 227 of the Constitution of India and contemplates an appeal before the Appellate Authority and thereafter, before the Hon'ble Supreme Court under Section 62 of the IBC, the High Court need not entertain any writ petition under Article 226 of the Constitution of India or civil revision petition under Article 227 of the Constitution of India. The express provision ousting the jurisdiction cannot be interpreted in a different manner so as to dilute the legislative intention expressly made under Sections 61 and 62 of IBC. The judgment relied on by the petitioner on different facts is inapplicable and more so, in the



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present case, the Resolution Professional appointed had already submitted her report which was taken on record by the NCLT. Thus, the cause became vanished. However, it is left open to the parties to work out their remedy in the manner known to law.

11. Thus, this Court has no hesitation in arriving at the conclusion that the present Civil Revision Petitions filed under Article 227 of the Constitution of India are not maintainable in view of the express provisions under Sections 61 and 62 of IBC. Thus, the Civil Revision Petitions are dismissed.

12. The order of dismissal on the ground of maintainability would not come in the way of the petitioner raising all the grounds on merits before the appropriate forum.

13. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

(S.M.S.,J.) (K.S.,J.)
25.03.2026

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

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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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