



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-06-2026

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CORAM

**THE HONOURABLE MR JUSTICE P. VELMURUGAN
AND
THE HONOURABLE MRS.JUSTICE K. GOVINDARAJAN
THILAKAVADI**

OSA No. 93 of 2019

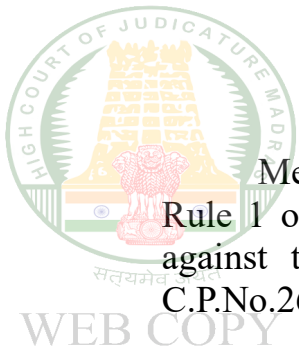
Pinnacle Biomed Private Limited
Unit No.202, 2nd Floor
India Printing House
42, G.D. Ambedkar Marg, Wadala West
Mumbai 400 031

Appellant

Vs

1. M/s Vasan Health Care Private Limited
Rep by its Managing Director Dr,A.M.Arun
No.70, Dr.Radhakrishnan Salai
Westminister Complex, Mylapore
Chennai 600 004
2. Ganesh Lal Jain
S/o. Late Mr.G.D.Jain
Residing at No.1/6-B, Pusa Road
New Delhi 110 005
3. Suresh Kumar Jain
S/o.Late Mr.G.D.Jain
Residing at No.1/6-B, Pusa Road
New Delhi 110 005
4. M/s Alcon Laboratories (India) Pvt. Ltd.,
3rd Floor, Crescent-4
Prestige Shanthiniketan, Whitefield
Bangalore 560 048

Respondents



Memorandum of Grounds of Original Side Appeal under Order XXXVI, Rule 1 of the Original Side Rules read with Clause 15 of the Letters Patent, against the order dated 14.07.2017 made in Comp.A.No.462 of 2017 in C.P.No.267 of 2015.

For Appellant: Mr.M.V.Swaroop

For Respondents: Mr.S.R.Raghunathan for R1

JUDGMENT

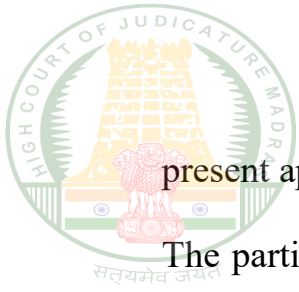
(Judgment of the Court was made by P.Velmurugan J.)

This original side appeal is directed against the interim order dated 14.07.2017 made in Comp.A.No.462 of 2017 in C.P.No.267 of 2015 passed by the learned single Judge referring the matter to the Division Bench for an authoritative pronouncement on the following question of law:-

“Whether when a batch of petitions, seeking winding up on the ground of inability to pay, filed under the provisions of the Companies Act, 1956, are pending before this Court and were not expressly transferred to the NCLT, could the provisions of the IBC be invoked and applications be preferred to the National Company Law Tribunal?”

2. Subsequent to the impugned order, the Division Bench, by order dated 05.09.2019 in Comp.A.Nos.273, 177 & 161 of 2019 etc., in C.P.No.267 of 2015, has answered the reference and sent the applications to the Company Court to be dealt with in accordance with law.

3. In the light of the above, nothing survives for adjudication in the



present appeal. Accordingly, the original side appeal is dismissed as infructuous.

The parties are at liberty to workout their remedy in the manner known to law before the appropriate forum. No costs.

(P.VELMURUGAN J.) (K.GOVINDARAJAN THILAKAVADI J.)
10-06-2026

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

SS

To

1. The Sub Assistant Registrar (O.S.)
High Court, Madras



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**P.VELMURUGAN J.
AND
K.GOVINDARAJAN
THILAKAVADI J.**

SS

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