

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN

FRIDAY, THE 29TH DAY OF DECEMBER 2023 / 8TH POUSHA, 1945

WP(C) NO. 44183 OF 2023

PETITIONER/S:

M/S.AIR TRAVEL ENTERPRISES INDIA LTD.
1ST FLOOR, NEW CORPORATION BUILDING, PALAYAM,
THIRUVANANTHAPURAM-695033. REPRESENTED BY ITS MANANGING
DIRECTOR SRI.E.M.NAJEEB, AGED 69 YEARS, S/O. J.M.ELLIAS,
RESIDING AT T.C.2/1240-4, PADIYATH HOUSE, KOWDIYAR,
THIRUVANANTHAPURAM., PIN - 695033

BY ADVS.
R.SUDHIR
K.PRAVEEN KUMAR

RESPONDENT/S:

UNION BANK OF INDIA
CHALAI BAZAR BRANCH, CHALAI, THIRUVANANTHAPURAM
REPRESENTED BY ITS BRANCH MANAGER., PIN - 695036

OTHER PRESENT:

SC-A.S.P. KURUP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29.12.2023,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C. JAYACHANDRAN, J.

.....
W.P. (C) No. 44183 of 2023
.....

Dated this the 29th day of December, 2023

JUDGMENT

The petitioner is aggrieved by Ext.P3 order of the National Company Law Tribunal, Kochi Bench.

2. Learned counsel for the petitioner submits that Ext.P3 is an appealable order and that though an appeal has already been preferred, no interim relief could be secured, since there is no sitting in the NCLT and that sitting will commence only on 02.01.2024. Learned counsel also invited the attention of this Court to clause No.22(vi), at running page No.56 of this Writ Petition, which contemplates one week's time for the officers and managers of the Corporate Debtor to provide the documents and information to the IRP, which period, according to the learned counsel for the petitioner,

expires only today.

3. In such circumstances, in order to preserve the subject matter of the appeal, there will be a direction to the IRP not to take possession and charge of the Corporate Debtor in terms of Ext.P3, for a period of two weeks, unless such possession has already been taken over by the IRP, as claimed for by the learned counsel for the IRP.

As agreed to by the learned counsel on both sides, this Writ Petition is disposed of with the above direction.

Sd/-

JAYACHANDRAN

JUDGE

Shg

APPENDIX OF WP(C) 44183/2023

PETITIONER EXHIBITS

EXHIBIT P1	A TRUE COPY OF THE APPLICATION C.P (IBC) NO.33/KOB/2023 FILED BY THE RESPONDENT DATED 18.07/2023
EXHIBIT P2	A TRUE COPY OF WRITTEN SUBMISSIONS FILED ON BEHALF OF THE PETITIONER DATED 13.12.2023
EXHIBIT P3	A TRUE COPY OF THE ORDER NO.CP(IBC)/33/KOB/2023 DATED 22.12.2023