



13334/24  
Hemath Rao

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 15<sup>TH</sup> DAY OF MARCH, 2024**

**PRESENT**

**THE HON'BLE MR. JUSTICE S.G.PANDIT**

**AND**

**THE HON'BLE MR. JUSTICE C.M. POONACHA**

**WRIT PETITION NO.17402 OF 2023 (GM-RES)**

**BETWEEN:**

MR. BAASKARAN S.  
S/O. A.V. SUBRAMANIAN DEEKSHADAR,  
AGED ABOUT 54 YEARS,  
DIRECTOR OF TARUN REALTORS  
PRIVATE LIMITED,  
REGISTERED UNDER COMPANIES ACT, 1956,  
RESIDING AT APT 412,  
SOBHA QUARTZ, SARJAPUR ORR,  
BELLANDUR,  
BENGALURU - 560 103.

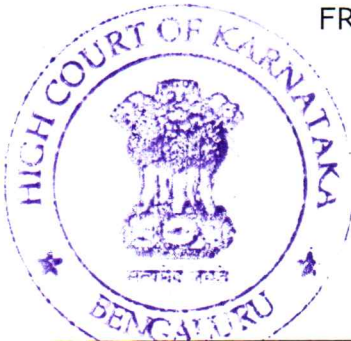
...PETITIONER

(BY SRI. SRINANDAN K., ADVOCATE)

**AND:**

1. THE REGISTRAR  
NATIONAL COMPANY LAW TRIBUNAL,  
BANGALORE BENCH,  
RAHEJA TOWERS,  
12<sup>TH</sup> FLOOR, M.G. ROAD,  
BENGALURU - 560 001.
2. ACE ENVIRO TECH PVT. LTD.  
REGISTERED UNDER COMPANIES ACT 1956,  
BASAVA SADANA NO.117,  
3<sup>RD</sup> FLOOR, COLES ROAD,  
FRASER TOWN,

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signed by  
BHARATHI S  
Location  
HIGH COURT  
OF  
KARNATAKA



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BENGALURU - 560 005,  
REPRESENTED BY ITS DIRECTOR.

3. MR. VENKATA SUBBARAO KALVA  
INTERIM RESOLUTION PROFESSIONAL IN CP (IB)  
NO. 72/BB/2021-NCLT-BANGALORE,  
BEARING REGISTRATION NO.  
IBBI/IPA-002/IP-N00179/2017-2018/10655,  
HAVING REGISTERED OFFICE AT NO.41/1,  
2<sup>ND</sup> FLOOR, 11<sup>TH</sup> CROSS, 8<sup>TH</sup> MAIN,  
JAYANAGAR 2<sup>ND</sup> BLOCK,  
BENGALURU - 560 011.

...RESPONDENTS

(BY SRI. ATUL MADAVAN, ADVOCATE FOR R-2;  
SRI. HEMANTH R. RAO, ADVOCATE FOR R-3;

SRI. DHYAN CHINNAPPA, SENIOR COUNSEL FOR  
SRI. SAGAR B.B., COUNSEL FOR IMPLEADING  
APPLICANTS IN I.A. Nos.1 TO 4 OF 2024.)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226  
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO  
ISSUE A WRIT IN DECLARATION THAT CP(IB) No. 72/BB/2021  
FILED UNDER SECTION 9 OF THE I AND B CODE BEFORE THE  
HON'BLE NCLT, BENGALURU BENCH AT ANNEXURE-C IS NOT  
MAINTAINABLE FOR WANT OF JURISDICTION AND ETC.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY,  
S.G. PANDIT J., MADE THE FOLLOWING:





**ORDER**

1. Petitioner is before this Court praying to declare proceedings in CP(IB) No.72/BB/2021 initiated under Section 9 of the Insolvency and Bankruptcy Code, 2016 before the National Company Law Tribunal, Bench at Bengaluru (for short, 'NCLT'), as not maintainable and praying to issue a writ of prohibition and terminating the jurisdiction of the NCLT, Bengaluru, in respect of CP(IB) No.72/BB/2021. Petitioner has also sought for an interim prayer to stay all further proceedings in CP(IB) No.72/BB/2021.

2. Heard Sri. Srinandan K., learned counsel for the petitioner, Sri.Atul Madavan, learned counsel for respondent No.2, Sri. Hemanth R. Rao, learned counsel for respondent No.3 and Sri. Dhyan Chinnappa, learned Senior Counsel appearing for Sri. Sagar B.B., learned counsel for applicant in I.A. Nos.1 to 4 of 2024. Perused the writ petition papers.

3. This Court by interim order dated 16.08.2023, stayed further proceedings in CP(IB) No.72/BB/2021 pending before the NCLT, Bengaluru Bench.







4. Learned counsel appearing for respondent No.2 would submit that an appeal has been filed against the order dated 20.07.2023 admitting the petition, in Filing No.9805111/01651/2023 before the National Company Law Appellate Tribunal (for short, 'NCLAT').

5. Since the remedy of statutory appeal against the order dated 20.07.2023 admitting the petition CP(IB) No.72/BB/2021 has already been availed, the present writ petition would not be maintainable. It is also to be noted that no parallel proceedings could be maintained before different authorities against the same order.

6. In the light of the above observation, writ petition is disposed of as not maintainable, permitting pursuance of the appeal already filed before the NCLAT.

7. Learned counsel for the petitioner would submit that the appeal filed before the NCLAT is not yet listed. Hence, to enable the petitioner to move the NCLAT, interim order passed by this Court on 16.08.2023 is extended by four weeks from today.

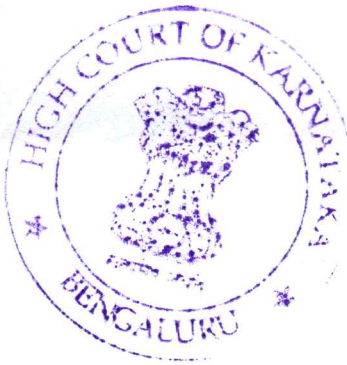




NC: 2024:KHC:10687-DB  
WP No. 17402 of 2023

8. In the meanwhile, it is open for the impleading applicants as well as respondent No.3 to move the NCLAT for appropriate orders.

9. In view of disposal of the main petition, pending I.A. No.3 of 2023 and I.As. No.1 to 4 of 2024 are dismissed as they do not survive for consideration.



Sd/-  
JUDGE

Sd/-  
JUDGE

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List No.: 1 SI No.: 9

TRUE COPY

*Jantha Bk*  
Section Officer- 25/3/24  
High Court of Karnataka  
Bengaluru - 560 001

- The date on which the application was made 18/3/24
- b) The date on which charges and additional Charges if any are called for
- c) The date on which charges and additional Charges, if any are deposited/Paid 25/3/24
- d) The date on which the copy is ready 25/3/24
- e) The date of notifying that the copy is ready For delivery 28/3/24
- f) The date on which the applicant is required to appear on or before
- g) The date on which the copy is delivered to the Applicant 26/3/24
- h) Examined by

