



2024:KER:3354

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

THURSDAY, THE 11TH DAY OF JANUARY 2024 / 21ST POUSHA, 1945

WP(C) NO. 1202 OF 2024

PETITIONER:

M/S.AIR TRAVEL ENTERPRISES INDIA LTD
1ST FLOOR, NEW CORPORATION BUILDING, PALAYAM,
THIRUVANANTHAPURAM REPRESENTED BY ITS MANAGING
DIRECTOR SRI. E.M. NAJEEB, PIN - 695033
BY ADVS.
R.SUDHIR
K.PRAVEEN KUMAR

RESPONDENT:

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

SRI. SADCHITH.P.KURUP, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
11.01.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**JUDGMENT**

The petitioner only seeks that until such time as the National Company Law Tribunal, Kochi Bench, issues orders on Ext.P5 Stay Petition in Ext.P4 Appeal, all action pursuant to Ext.P1 be deferred.

2. Sri.Sudheer R. - learned counsel for the petitioner submitted that Ext.P4 Appeal, along with Ext.P5 Stay Petition, are being considered by the Appellate Tribunal today; and that his client is confident of obtaining orders.

3. Sri.Sadchith P.Kurup - learned Standing Counsel for the respondent - Bank affirmed the afore and submitted that, for the afore reason itself, this writ petition is not maintainable.

4. I notice from the pleadings that Ext.P1 is the order of the National Company Law Tribunal, Kochi Bench, against which, certainly, the petitioner obtains a statutory appellate remedy. Since they have admittedly invoked the same through Ext.P4 Appeal, I am of the view that it would not be necessary for this Court to consider the merits of the matter in any manner whatsoever; and also of the view that this writ petition is not hence maintainable.

5. Suffice to say, all which the petitioner seems to require is a breathing time to move the Appellate Tribunal and obtain orders, if they are entitled.



In the afore circumstances, I close this writ petition; however, directing the respondent not to pursue further action consequent to Ext.P1 until 31.01.2024.

Sd/ -

DEVAN RAMACHANDRAN

JUDGE

MC/11.1



APPENDIX OF WP(C) 1202/2024

PETITIONER EXHIBITS

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| Exhibit P1 | A TRUE COPY OF THE ORDER OF THE NATIONAL COMPANY LAW TRIBUNAL DATED 22.12.2023 |
| Exhibit P2 | A TRUE COPY OF THE JUDGMENT DATED 29.12.2023 OF THIS HON'BLE COURT IN W.P.(C) NO. 44183 OF 2023 |
| Exhibit P3 | A TRUE COPY OF THE E-MAIL COMMUNICATION DATED NIL OF THE INTERIM RESOLUTION PROFESSIONAL |
| Exhibit P4 | A TRUE COPY OF THE MEMORANDUM OF APPEAL DATED 04.01.2024 UNDER DIARY NO. 9805117000302024, WITHOUT ANNEXURES |
| Exhibit P5 | A TRUE COPY OF THE STAY PETITION |
| Exhibit P6 | A TRUE COPY OF THE SAID COMMUNICATION DATED 06.01.2024 FROM THE REGISTRY OF THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL |