

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CIVIL APPLICATION NO. 15469 of 2023**

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**ARZEEN KHAMBATTA****Versus****BHARAT ROAD CARRIERS**

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**Appearance:****GUPTA LAW ASSOCIATES(9818) for the Petitioner(s) No. 1  
for the Respondent(s) No. 1,2,3**

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**CORAM:HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI****Date : 04/09/2023****ORAL ORDER**

1. By way of present petition, the petitioner herein has prayed for the following reliefs:

*"A Your Lordships may be pleased to issue appropriate Writ, Order or Direction staying the effect of the order dated 01.09.2023 until the statutory appeal preferred against the order dated 01.09.2023 is heard and disposed of;*

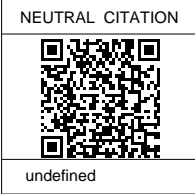
*B. Pending notice, admission and final hearing of this petition, this Hon'ble Court may be pleased to direct the respondents to not give effect to the order dated 01.09.2023;*

*C. Issue ex-parte ad interim relief in terms of prayer (C) may kindly be granted;*

*D. Issue such other writ/s, order/s and /or direction/s and further Order/s as this Hon'ble Court may deem just and proper in the facts and circumstances of the case."*

2. Heard Mr. Mihir Thakore, learned Senior Counsel appearing for Gupta Law Associates for the petitioner.

3. Mr. Mihir Thakore, learned Senior Counsel, at the outset,



submitted that the petitioner herein is constrained to approach this Court in view of the fact that the order passed by the National Company Law Tribunal (for short 'the NCLT') dated 01.09.2023, duly produced at page 21, has been challenged by filing an appeal before the NCLAT invoking statutory remedy under Section 61 of the Insolvency and Bankruptcy Code, 2016 (for short 'the Code, 2016'). It was submitted that the petitioner has approached this Court in view of the communication dated 03.09.2023 duly received from Interim Resolution Professional (IRP) appointed by the NCLT. The relevant part of the said communication dated 03.09.2023 reads thus:

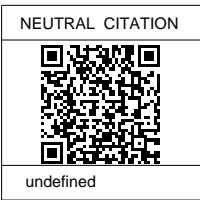
***"Further as per section 19(1) of the Code, the personnel of the Corporate Debtor, its Promoters or any other person associated with the management of the Corporate Debtor shall extend all assistance and co-operation to the Interim Resolution Professional as may be required by him in managing the affairs of the Corporate Debtor.***

***In view of the above, please note that with effect from commencement of CIRP i.e., 01.09.2023, you are not authorized to operate any of the bank accounts of the Corporate Debtor, without the prior permission of the undersigned IRP Mr. Ravindra Kumar Goyal who have been appointed as IRP vide Hon'ble NCLT, Ahmedabad Court-I order dated 01.09.2023.***

***You are requested to provide the details of all bank accounts of the Corporate Debtor to the undersigned IRP on an urgent basis.***

***This intimation of commencement of CIRP and appointment of Interim Resolution Professional is for your information, records and for doing the needful as requested above. A public announcement for the invitation to submit claims is scheduled for September 04, 2023 in Financial Express English and Gujarati Edition.***

***A separate communication will be sent to you for seeking required information / documents for smooth conduct of CIRP of the Corporate Debtor by the undersigned IRP.***



4. Mr. Mihir Thakore, learned Senior Counsel, submitted that the impact of the aforesaid communication would be that the petitioner would not be in a position to operate the bank accounts. It was reiterated that until the appeal is taken up for hearing, the said order dated 01.09.2023 appointing the Interim Resolution Professional (IRP), not to be acted upon.

5. Considering the aforesaid, by way of ad-interim relief, the said order dated 01.09.2023 is directed not to be acted upon till the statutory appeal which is filed before the NCLAT is listed for hearing in the peculiar facts of the present case.

6. Issue **Notice** returnable on **11.09.2023**.

7. Direct service is permitted today. To be served through direct service and E-mode.

(VAIBHAVI D. NANAVATI,J)

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