

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7<sup>TH</sup> DAY OF AUGUST 2017

BEFORE

THE HON'BLE MR. JUSTICE ASHOK B. HINCHIGERI

**W.P.Nos.21489-21490 OF 2017[GM-RES]**

BETWEEN

1. FALCON TYRES LTD.  
A COMPANY REGISTERED  
UNDER THE COMPANIES ACT, 1956  
HAVING ITS REGISTERED OFFICE  
AT K.R.S. ROAD, METAGALLI,  
MYSORE – 570 016, KARNATAKA  
REPRESENTED BY ITS  
AUTHORIZED SIGNATORY.

ALSO AT: NO.1/1, 21<sup>ST</sup> CROSS,  
1<sup>ST</sup> FLOOR, OPP. INDICASH ATM  
NEAR OLD ADARSH THEATRE  
NEAR METRO PILLAR  
103, C.M.H. ROAD, LAKSHMIPURAM  
HALASURU, BANGALORE – 560 008.

2. KANTI COMMERCIALS PVT. LTD.  
A COMPANY REGISTERED  
UNDER THE COMPANIES ACT, 1956  
HAVING ITS REGISTERED OFFICE AT  
1, ZAMRUDPUR, COMMUNITY CENTRE,  
KAILASH COLONY, NEW DELHI – 110 048  
REPRESENTED BY ITS  
AUTHORIZED SIGNATORY.

... PETITIONERS

(BY: MS.MONICA PATIL, ADVOCATE)

AND:

1. BELTHANGADY TALUK RUBBER GROWERS  
MARKETING & PROCESSING CO-OP. SOCIETY LTD.  
HAVING ITS REGISTERED OFFICE  
AT UJIRE VILLAGE, BELTHANGADY TALUK,  
DAKSHINA KANNADA DIST., UJIRE – 574 240.
2. SHRI ANANDA  
RAMACHANDRA BHAT  
INTERIM RESOLUTION PROFESSIONAL  
APPOINTED UNDER THE PROVISIONS OF  
THE INSOLVENCY AND BANKRUPTCY CODE 2016  
HAVING ITS OFFICE AT 81, 8<sup>TH</sup> MAIN  
8<sup>TH</sup> CROSS, SERPENTINE ROAD  
KUMARA PARK WEST  
BENGALURU 560026. ... RESPONDENTS

(BY: SRI S.M. KUTTAPPA & SRI PRASHANTH B.K.,  
ADVOCATES FOR R1  
R2 – service held sufficient v/o dt. 6.7.17)

THESE WRIT PETITIONS ARE FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDERS DATED 23.3.2017 AT ANNEXURE B2 AND 28.4.2017 AT ANNEXURE-A PASSED IN CP(IB) NO.01/BB/17 BY THE LEARNED NATIONAL COMPANY LAW TRIBUNAL, AT BENGALURU AND ETC.

THESE W.Ps. COMING ON FOR PRELIMINARY HEARING 'B' GROUP, THIS DAY, THE COURT MADE THE FOLLOWING:

**ORDER**

Sri Prashanth B.K., the learned counsel appearing for the respondent No.1 has filed the memo. It reads as follows:

*" The undersigned counsel for the 1<sup>st</sup> Respondent most respectfully submits as follows:-*

1. *That the petition has filed the above Writ Petition praying for quashing the Order dated 23.3.2017*

*and 28.04.2017 passed by the Learned National Company Law Tribunal, Bengaluru in CP (IB) No.1/BB/2017 on the grounds of alleged violations of principles of natural justice.*

*2. That the 1<sup>st</sup> Respondent herein has filed the statement of objections and additional affidavit dated 24.7.2017. In this regard, it is most respectfully prayed before this Hon'ble Court that this Hon'ble Court may be pleased to quash the impugned Orders passed by the Ld.NCLT, Bengaluru dated 23.3.2017 and 28.4.2017 with a direction to the Ld.NCLT, Bengaluru to hear both the parties afresh in a time bound manner and pass Orders in accordance with law, hence this memo."*

2. Ms.Monica Patil, the learned counsel for the petitioners indicates her no-objection to the disposal of these petitions in terms of the memo extracted hereinabove.

3. Accordingly, these petitions are disposed of quashing the impugned orders, dated 23.3.2017 and 28.4.2017 passed by the National Company Law Tribunal, Bengaluru. Further, the Tribunal is called upon to hear both the parties afresh and dispose of the matter as expeditiously as possible and in any case within 14 days from 16.8.2017, subject to the arrangement

of its board. The parties are directed to appear before the said Tribunal at 11.00 a.m. on 16.8.2017 without waiting for any notice from it. Both the parties shall co-operate with the Tribunal in the speedy disposal of the matter.

4. No order as to costs.

**Sd/-  
JUDGE**

VGR