

SLPC D.2341/2023

ITEM NO.2

COURT NO.1

SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No.2341/2023

(Arising out of impugned final judgment and order dated 28-09-2022 in CAAT (CH) (I) No.316/2022 28-09-2022 in CAAT (CH) (I) No.312/2022 passed by the National Company Law Appellate Tribunal, Chennai)

GOPAL KRISHNAN MS & ANR.

Petitioner(s)

VERSUS

RAVINDRA BELEYUR & ANR.

Respondent(s)

(With IA No.173281/2023-CONDONATION OF DELAY IN FILING and IA No.173286/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.173283/2023-CONDONATION OF DELAY IN REFILING/CURING THE DEFECTS)

Date : 02-01-2024 This petition was called on for hearing today.

CORAM :

**HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA**

For Petitioner(s) **Ms. Haripriya Padmanabhan, Adv.
Mr. Shiju Abraham Verghis, Adv.
Mr. V. Shyamohan, Adv.
Ms. Shivani Vij, Adv.
Ms. Anshika Bajpai, Adv.
Ms. Tissy Annie Thomas, Adv.
M/s. Kmp Law**

For Respondent(s) **Mr. Siddhartha Dave, Sr. Adv.
Mr. V. Balachandran, Adv.
Mr. Siddharth Naidu, Adv.
Mr. Prithvi Raj JS, Adv.
M/s. Ksn & Co.**

**UPON hearing the counsel the Court made the following
O R D E R**

- 1 There is a delay of 20 days in filing and 191 days in re-filing the Special Leave Petitions.
- 2 Since the impugned order of the National Company Law Appellate Tribunal dated 28 September 2022 is amenable to the appellate jurisdiction of this Court under Section 62 of the Insolvency and Bankruptcy Code 2016, we decline to entertain a petition under Article 136 of the Constitution. The bar of limitation cannot be obviated or circumvented by taking recourse of proceedings under Article 136 of the Constitution when a statutory appeal is available. We accordingly decline to entertain the Special Leave Petitions only on that ground leaving it open to the petitioner to adopt appropriate remedies in accordance with law.
- 3 The Special Leave Petitions are, therefore, dismissed on the ground of delay as well as on merits.
- 4 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)
A.R. -cum-P.S.

(SAROJ KUMARI GAUR)
Assistant Registrar