

HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

MAIN CASE No.W.P.No.23437 of 2025

PROCEEDING SHEET

Sl. No	DATE	ORDER	Office Note
01.	03.09.2025	<u>GRKP, J</u> Heard Sri Vikram Pooserla, learned Senior Counsel appearing online on behalf of Sri N. Jeevan Kumar, learned Counsel for the Writ Petitioners and Sri Ch. Praveen, learned Assistant Government Pleader for Respondent No.2. 2. Sri Vikram Pooserla, learned Senior Counsel appearing online on behalf of Sri N. Jeevan Kumar, learned Counsel for the Writ Petitioners, has drawn the attention of this Court to the Impugned Proceedings dated 07.07.2023 (Ex.P.1). 3. The Impugned Proceedings would indicate that Notices were issued by the Respondent Department on 26.10.2013 and around that time. 4. It is submitted by the learned Senior Counsel that during the resolution process under the Insolvency and Bankruptcy Code, 2016, before the National Company Law Tribunal, Amaravati Bench, Petitioner No.2 was declared as the successful Resolution Applicant, and consequently took over Petitioner No.1, as per the Proceedings dated 16.02.2023 (Ex.P.6).	Contd..

		5. It is the submission of the learned Senior Counsel that the debts or arrears which were not considered during the resolution process cannot be claimed against the successful Resolution Applicant after the Resolution Plan has been approved. In this case, admittedly, the resolution plan has been approved by the National Company Law Tribunal, Amaravati Bench, on 16.02.2023 (Ex.P.6.). 6. In this view of the matter, <i>prima facie</i>, this Court is of the opinion that the balance of convenience is in favour of the Writ Petitioners. 7. Accordingly, the Impugned Proceedings dated 07.07.2023 (Ex.P.1) shall remain suspended till the next listing. 8. Sri Ch. Praveen, learned Assistant Government Pleader for Respondent No.2, seeks time to file Counter-Affidavit. 9. Let Counter Affidavit be filed within four weeks. Two weeks thereafter for filing Re-joinder. 10. List the matter on 29.10.2025. GRKP, J DSV	
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