



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF FEBRUARY 2026

BEFORE

THE HON'BLE MR. JUSTICE B M SHYAM PRASAD

WRIT PETITION NO. 6131 OF 2026 (GM-RES)

C/W.

WRIT PETITION NO.6112 OF 2026 [GM-RES]

IN W.P.No.6131/2026:

BETWEEN:

MR. SHANKAR POWADE
S/O LATE MR. ABAJI
AGED ABOUT 58 YEARS
RESIDING AT 602/A,
BENADI, BELGAUM,
CHIKODI, KARNATAKA 591215.

...PETITIONER

(BY SRI. VIKRAM HUILGOL., SENIOR ADVCOATE FOR
SRI. ADITH S JAHGIRDAR., ADVOCATE)

AND:

1. THE REGISTRAR
NATIONAL COMPANY LAW TRIBUNAL,
BANGALORE BENCH
RAHEJA TOWERS,
VITTAL MALLYA ROAD,
KG HALLI, ASHOK NAGAR,
BANGALORE 560001.
(PRO-FORMA PARTY)





2. KARNATAKA STATE CO-OPERATIVE
APEX BANK LIMITED
REGISTERED UNDER THE PROVISIONS OF
THE MYSORE CO-OPERATIVE SOCIETIES ACT,
1905 HAVING ITS REGISTERED OFFICE AT
UTHUNGA, NO. 1, PAMPA MAHAKAVI ROAD,
CHAMARAJPET, BANGALORE 560018.
REPRESENTED BY ITS
CHIEF GENERAL MANAGER,
MRS. MANGALA H. NAYAK.
3. RATNAKAR SHETTY
S/O CHIKKAYYA SHETTY
AGED ABOUT 44 YEARS
RESOLUTION PROFESSIONAL
HAVING REGISTRATION NO.
IBBI/IPA-001/IP-P01630/2019-2020/
HAVING OFFICE AT 16, LEVEL 3,
7TH CROSS, SAMPIGE ROAD,
OPPOSITE YES BANK,
MALLESHWARAM,
BANGALORE 560003.

...RESPONDENTS

THIS W.P. IS FILED UNDER ARTICLES 226 AND
227 OF THE CONSTITUTION OF INDIA PRAYING TO SET
ASIDE AND CONSEQUENTIALLY QUASH THE ORDER
DATED 19.12.2023 ANNEXURE-C OF THE HONBLE
NATIONAL COMPANY LAW TRIBUNAL, BENGALURU
BENCH IN C.P.(IB)NO. 23/BB/2023; ISSUE A WRIT OF
MANDAMUS TO THE HONBLE NATIONAL COMPANY



LAW TRIBUNAL, BENGALURU BENCH DIRECTING IT TO
SEEK THE NOMINATION OF A RESOLUTION
PROFESSIONAL FROM THE INSOLVENCY AND
BANKRUPTCY BOARD OF INDIA UNDER SECTION 97(3)
OF THE INSOLVENCY AND BANKRUPTCY CODE 2016.

IN W.P.No. 6112/2026

BETWEEN:

MR. VASANT V PATIL
S/O MR. VIRAGOND RAO PATIL
AGED ABOUT 53 YEARS
RESIDING AT R. S. NO. 211/2A
YOGIKOLLA ROAD, GOKAK,
BELAGAVI 591307.

...PETITIONER

(BY SRI. VIKRAM HUILGOL., SENIOR ADVOCATE FOR
SRI. ADITH S JAHGIRDAR., ADVOCATE)

AND:

1. THE REGISTRAR
NATIONAL COMPANY
LAW TRIBUNAL,
BANGALORE BENCH
RAHEJA TOWERS,
VITTAL MALLYA ROAD,
KG HALLI, ASHOK NAGAR,
BANGALORE - 560001.
2. KARNATAKA STATE CO-OPERATIVE
APEX BANK LIMITED



REGISTERED UNDER
THE PROVISIONS OF
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1905 HAVING ITS REGISTERED
OFFICE AT UTHUNGA, NO. 1,
PAMPA MAHAKAVI ROAD, CHAMARAJPET,
BANGALORE 560018.
REPRESENTED BY ITS
CHIEF GENERAL MANAGER,
MRS. MANGALA H. NAYAK.

3. RATNAKAR SHETTY
S/O CHIKKAYYA SHETTY
AGED ABOUT 44 YEARS
RESOLUTION PROFESSIONAL
HAVING REGISTRATION NO.
IBBI/IPA-001/IP-P01630/2019-2020/12718
HAVING OFFICE AT
NO 16, LEVEL 3, 7TH CROSS,
SAMPIGE ROAD, OPPOSITE YES BANK,
MALLESHWARAM,
BANGALORE - 560003.

...RESPONDENTS

THIS W.P. IS FILED UNDER ARTICLES 226 AND
227 OF THE CONSTITUTION OF INDIA PRAYING TO SET
ASIDE THE CONSEQUENTIALLY QUASH THE ORDER
DATED 19.12.2023 OF THE HONBLE NATIONAL
COMPANY LAW TRIBUNAL, BENGALURU BENCH IN
C.P.(IB) NO. 22/BB/2023 (ANNX-C); ISSUE A WRIT OF
MANDAMUS TO THE HONBLE NATIONAL COMPANY



LAW TRIBUNAL, BENGALURU BENCH DIRECTING IT TO
SEEK THE NOMINATION OF A RESOLUTION
PROFESSIONAL FROM THE INSOLVENCY AND
BANKRUPTCY BOARD OF INDIA UNDER SECTION 97(3)
OF THE INSOLVENCY AND BANKRUPTCY CODE, 2016.

THESE PETITIONS, COMING ON FOR
PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE
THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD

ORAL ORDER

The petitioners are the respondents in the
application filed under Section 95 of the Insolvency
and Bankruptcy Code, 2016 [for short, *'the Code'*]
and this application is by the second respondent. The
petitioners do not dispute that the Tribunal has
appointed a Resolution Professional and that this
Professional has filed records which, if accepted,
would bring about consequences as contemplated.



Sri Vikram Huilgol, the learned Senior Counsel for the petitioners, submits that the second respondent has nominated Resolution Professional in the application which would be impermissible insofar a personal insolvency proceeding and this would remain inarguable because of the decision of the Apex Court. The learned Senior Counsel submits that:

- [a] these petitions could be disposed of with liberty to the petitioners to file an application with the Tribunal to recall the appointment of the Resolution Professional requesting the Tribunal to decide on such application before it passes orders on accepting the report filed by the Resolution Professional, and
- [b] if the Tribunal does not consider whether the second respondent's nominee could be appointed as a Resolution Professional and passes an order on admission, every



consequential proceeding would be brought into jeopardy leading only to protraction.

The Tribunal has appointed the second respondent's nominee as Resolution Professional in the year 2023, and the petitioners propose to rely upon decisions that have come about on this issue thereafter. The Tribunal is still seized of whether the Report filed by the Resolution Professional now appointment should be accepted. The measures which result in the least protraction of proceedings [*even if there is to be any*], must be adopted. As such, in the present circumstances, the petitioners must be permitted to file an application requesting the Tribunal to consider the same before proceeding to pass orders on the Report now filed. Hence:

ORDER

The petitions stand disposed of permitting the petitioners to file an application with the Tribunal within fifteen [15] days from today requesting the



Tribunal to defer further proceedings over the next fifteen [15] days observing that the Tribunal may consider the application now proposed before proceeding to pass orders on the acceptance of the proposal filed by the Resolution Professional.

Sd/-
(B M SHYAM PRASAD)
JUDGE

SA
ct:sr