

W.P.No.1926 of 2020

M.SATHYANARAYANAN, J.,
and
R.HEMALATHA, J.,

[Order of the Court was made by M.SATHYANARAYANAN, J.]

The learned counsel appearing for the petitioner would submit that the orders in M.A.No.780/2019 in C.P.No.280/IB/2018 were reserved by National Company Law Tribunal of Division Bench-II Chennai, consisting of Mr.S.V.Prakash Kumar, Member (JUDICIAL), S.Vijayaraghavan, Member (TECHNICAL) and further points out that the National Company Law Tribunal, vide order dated 05.01.2020, has transferred the Member (Judicial) namely Mr.S.V.Prakash Kumar to NCLT, New Delhi as an acting President and also indicated that the order shall come into force with effect from 06.01.2020 and he was issued with the approval of the Honble Acting President, NCLT. Attention of this Court was also invited to a common order dated 06.01.2020, wherein there was a constitution of Special Bench at NCLT, Chennai on 7.01.2020 and 08.01.2020 consisting of Mr.B.S.V Prakash Kumar, Acting President and Mr.S.Vijayaraghavan, Member (Technical) and it is followed by an order dated 17.01.2020, wherein at Principal Bench, NCLT, New Delhi Mr.B.S.V Prakash Kumar, Acting President and Ms.Sumita Purkayastha, Member (Technical) are to sit at Delhi.

2. Primordial submission of the learned counsel appearing for the petitioner is that Mr.B.S.V Prakash Kumar, who was the Member Judicial, was transferred to Principal Seat at NCLT, New Delhi as the Acting President and as per the orders of Registrar, NCLT, New Delhi dated 17.01.2019, he was to have a sitting at New Delhi on 20.01.2020 and however on the same day, he sat at Chennai along with Mr.S.Vijayaraghavan, and pronounced common orders in M.A.No.1250/2019 and M.A.No.780/2019 filed by Mr.S.Rajendran (RP) and dismissed M.A.No.1250/2019 and pronouncement of the orders has not been indicated in the cause list prepared on that day and only after pronouncement of orders, an additional cause list, came into being indicating the pronouncement of the orders.

3. The learned counsel appearing for the petitioner has drawn the attention of this Court to the order of the Division Bench of Bombay High Court order dated 22.11.2019 in W.P.(L) No.3250 of 2019 reported in **2019 SCC Online Bom 5609 (Kamal K.Singh Vs. Union of India through the Ministry of Corporate Affairs and others)** and would submit that in similar facts and circumstances, the Division Bench of Bombay High Court has passed similar orders and prays for interference.

4. In the light of the above facts and circumstances, this Court is of the considered view that a *prima facie* case has been made out for entertainment of the Writ Petition, despite an alternative remedy is available. Therefore notice of motion to respondents returnable on 10.02.2020. Private notices are also permitted.

Call on 10.02.2020.

[M.S.N,J] [R.H,J]
27.01.2020

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Note: (i) Issue order copy on 28.01.2020.

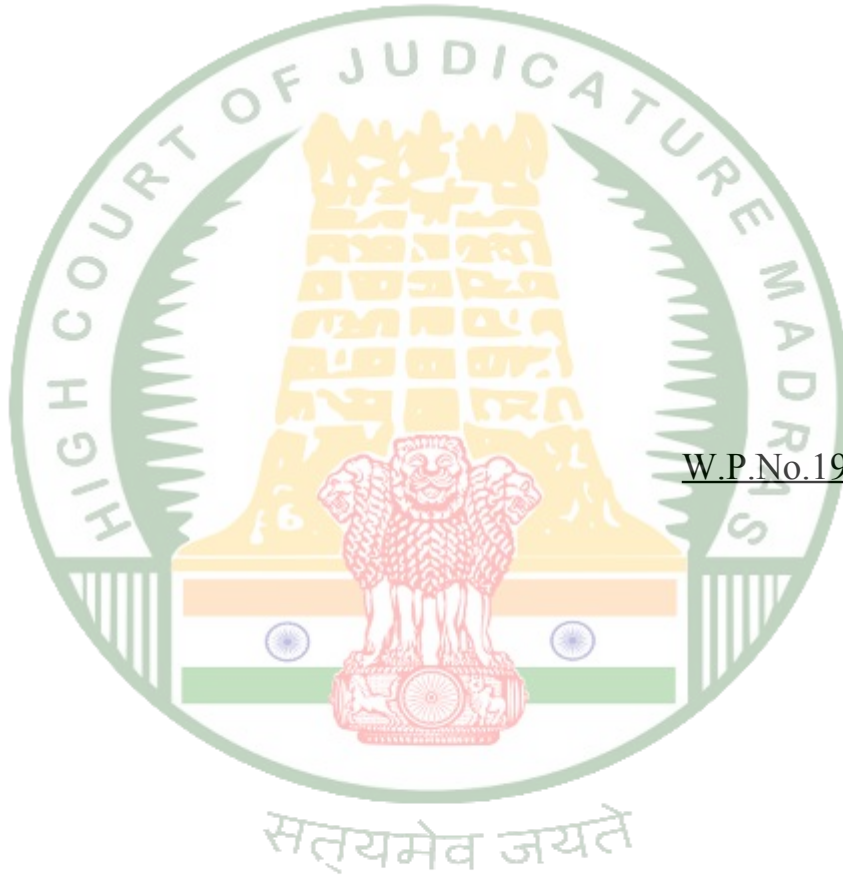
(ii) Communicate the above order to all the official respondents and also upload it in the website. The parties may apply for the certified copy of this order and it may be furnished subject to payment of necessary charges.

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