

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Criminal) No(s).440/2025

M/S A.S. MET CORP PRIVATE LIMITED

Petitioner(s)

VERSUS

THE REGISTRAR & ORS.

Respondent(s)

IA No. 270478/2025 - APPROPRIATE ORDERS/DIRECTIONS

Date : 14-11-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE JOYMALYA BAGCHIFor Petitioner(s) :Mr. Prashant Bhushan, AOR
Mr. Rahul Gupta, Adv.

For Respondent(s) :

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

1. The instant writ petition, invoking the jurisdiction of this Court under Article 32 of the Constitution of India, has been filed seeking, *inter alia*, the following reliefs:

"I. Issue a writ of mandamus or any other appropriate writ, order or direction directing the registration of a First Information Report on the basis of the disclosure made by Hon'ble Justice Sharad Kumar Sharma, Judicial Member of the NCLAT, Chennai Bench, In his judicial order dated 13.08.2025 thereby ensuring that a full-fledged criminal investigation under a retired Judge of the Hon'ble Court is carried out into the attempt to influence the outcome of Company Appeal (AT) (CH) (Ins.) No. 210 of 2023, under the supervision and control of this Hon'ble Court.

II. Direct that such investigation shall be monitored by this Hon'ble Court, and that the investigating agency shall be mandated to periodically submit status reports before this Hon'ble Court, so as to ensure transparency, independence, and freedom from external influence.

III. Pass such other order(s) or direction(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case to secure the ends of justice."

2. The petitioner is an operational creditor of M/s. KLSR Infratech Ltd. (respondent no.5-company). Since the company allegedly failed to make due payments, the petitioner filed an application under Section 9 of the Insolvency and Bankruptcy Code, 2016 ("IBC") before the National Company Law Tribunal, Hyderabad Bench ("NCLT Hyderabad"). The said insolvency application was admitted, and directions were issued for the initiation of Corporate Insolvency Resolution Proceedings ("CIRP") under IBC. Challenging that order, respondent no.4, who is one of the suspended directors of respondent no.5-company, filed a statutory appeal bearing Company Appeal (AT) (CH) (Ins) No.210/2023 before the National Company Law Appellate Tribunal ("NCLAT"). That appeal came up for hearing before NCLAT, Chennai Bench on 18.07.2023, when notice was issued and further proceedings for CIRP before NCLT Hyderabad were stayed. The Company Appeal was thereafter taken up by NCLAT, Chennai Bench for final adjudication. The bench heard the matter on 18.06.2025 and reserved the judgment. The aforementioned interim order was allowed to continue. Meanwhile, some unfortunate incident is said to have taken place, which prompted the NCLAT, Chennai Bench to pass order dated 13.08.2025. That order is the foundation of the reliefs and directions sought in the instant writ petition.

3. We have heard Shri Prashant Bhushan, learned counsel for the

petitioner and perused the record.

4. The foremost issue, in our considered opinion, is the fair and impartial adjudication of Company Appeal (AT)(CH)(Ins) No.210/2023, which was heard but could not be decided on merits by the NCLAT, Chennai Bench for the reasons mentioned in the order dated 13.08.2025. We are conscious of the fact that no notice has been issued to respondents nos.4 and 5 in the instant writ petition. We are, however, of the considered opinion that the order which we propose to pass does not cause any prejudice to them and, thus, there is no compelling necessity to issue notice at this stage.

5. In the interest of proper adjudication of the pending Company Appeal, we deem it appropriate to direct that Company Appeal (AT) (CH)(Ins) No.210/2023, which is pending before the NCLAT, Chennai Bench, be transferred forthwith, along with all records, to the Principal Bench of the NCLAT at New Delhi.

6. In the peculiar facts and circumstances of the case, we request the Hon'ble Chairperson of the NCLAT to list the said appeal before the bench presided over by His Lordship and decide the same, after issuing notice and giving adequate hearing to the contesting parties, at the earliest. While the petitioner before us has taken a fair stand to extend full cooperation for an early adjudication of the appeal, we direct respondents nos.4 and 5 to, likewise, ensure that no impediment is caused in the expeditious disposal of the appeal. The aforesaid respondents as well as their counsel will extend full cooperation to the bench of the Hon'ble Chairperson for expeditious and timely adjudication of the said appeal.

7. The Principal Bench of the NCLAT is also requested to pass appropriate orders on the application bearing No.1166/2023, seeking vacation of stay and consider whether it is appropriate to direct the Interim Resolution Professional ("IRP") appointed by NCLT, Hyderabad to manage the affairs of respondent no.5-Company.

8. Let a copy of this order be forwarded to all the respondents impleaded in the instant writ petition, including the Registrar, NCLAT, Principal Bench and the Assistant Registrar, NCLAT, Chennai Bench for timely compliance.

9. As regard to the various other concerns raised through the instant writ petition, there can be no quarrel that all such issues are of vital public importance. We believe that the Competent Authority must have examined the available material and taken necessary steps, as may be required. In any case, all these issues can be effectively dealt with by Hon'ble the Chief Justice of India on the administrative side.

10. We, thus, deem it appropriate to treat this writ petition as a representation, which brings on record some additional material and vital information for the kind consideration of Hon'ble the Chief Justice of India. Having said so, the law must take its own course.

11. The Writ Petition, along with all pending interlocutory applications, is, accordingly, disposed of.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR