

ITEM NO.19

COURT NO.7

SECTION IV-A

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 SPetition for Special Leave to Appeal (C) No.1609/2026

[Arising out of impugned final judgment and order dated 15-12-2025 in WP No. 37920/2025 passed by the High Court of Karnataka at Bengaluru]

M/S. SPML INFRA LIMITED

Petitioner(s)

VERSUS

SRI MAHESHA K.E.S. &amp; ANR.

Respondent(s)

(FOR ADMISSION)

Date : 15-01-2026 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA  
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) :

Mr. Navin Pahwa, Sr. Adv.  
Mr. Kausik Chatterjee, Adv.  
Mr. Divyanshu Kumar Srivastava, AOR  
Ms. Samridhi, Adv.  
Ms. Megha Aggarwal, Adv.  
Mr. Shivam Nagpal, Adv.

For Respondent(s) :

Mr. Shyam Divan, Sr. Adv.  
Mr. Shashikiran Shetty, A.A.G.  
Mr. MRC Ravi, Sr. Adv.  
Mr. Vipin Nair, AOR  
Mr. Pavan Srinivas, Adv.  
Mr. Sunita Srinivas, Adv.  
Mr. Aditya Narendranath, Adv.  
Mr. P B Sashaankh, Adv.  
Mr. Haresh Nair, Adv.  
Ms. M.b.ramya, Adv.  
Ms. Deeksha Gupta, Adv.  
Ms. Puspita Basak, Adv.UPON hearing the counsel the Court made the following  
O R D E R

1. Heard Mr. Navin Pahwa, the learned Senior counsel appearing for the petitioner and Mr. Shyam Divan, the learned Senior counsel

appearing for the Respondent No.1.

2. The impugned order passed by the High Court reads thus:-

"Whereas, a Writ Petition filed by the above named petitioner under Articles 226 & 227 of the Constitution of India, as in the copy annexed hereunto, has been registered by this Court.

Notice is hereby given to you to appear in this Court in person or through an Advocate duly instructed or through some one authorised by law to act for you in this case, at 10.30 A.M. in the forenoon on 21.01.2026 (returnable by 21.01.2026), to show cause why rule nisi should not be issued.

If you fail so to appear on the said date or any subsequent date to which the matter may be posted as directed by the Court, without any further notice, the (illegible) will be dealt with, heard and decided on the merits in your absence.

Pending issue of Rule nisi in the aforesaid Writ Petition it is hereby ordered by this Court on

MONDAY THE 15 TH DAY OF DECEMBER 2025  
BY HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

as follows:-  
(VIDEO CONFERENCING)

ORAL ORDER

"1. Sri. Sharath Chandra, learned counsel is directed to accept notice for respondent No.1.

2. Issue notice to respondent No.2 returnable by 21.01.2026.

3. Considering that the petition has been filed by the suspended Managing Director of Cauvery Neeravari Nigama Limited, the suspension having arisen on account of the impugned order at Annexure-A, the Company being a government company, funded by the Government of Karnataka, involved in sovereign functions of implementation of irrigation projects for southern Karnataka, I am of the considered opinion that the NCLT could not have admitted the petitioner to corporate insolvency proceedings.

4. In that view of the matter, the operation of the order dated 10.12.2025 passed by NCLT, Bangalore in CP (IB) No.39/BB/of2022 at Annexure-A and the further proceedings in pursuance to the paper publication dated 13.12.2025 at Annexure-G are stayed till the next date of hearing.

5. Learned counsel for the petitioner is directed to serve two sets of copies of the petition along with annexures on the counsel for respondent No.1.

6. Process fee and copies to be furnished in respect of respondent No.2 by end of day 16.12.2025, failing which the interim order shall stand automatically vacated.

7. Relist on 21.01.2026."

3. We are of the view that instead of invoking the writ jurisdiction of the High Court, the respondent(s) should have gone before the National Company Law Appellate Tribunal under the provisions of Section 61 of the Insolvency and Bankruptcy Code, 2016.

4. We continue the interim relief granted by the High Court in favour of the Respondent(s) for a period of three weeks to enable them to initiate appropriate proceedings before the Appellate Tribunal.

5. It shall be open for the parties to raise all contentions available to them in law and the proceedings should not be dismissed on the ground of delay.

6 With the aforesaid, the Special Leave Petition stands disposed of.

7. Pending applications, if any, also stand disposed of.

(VISHAL ANAND)  
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)  
COURT MASTER (NSH)