

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO(S). 1616 OF 2018

D.R. BALKRISHNA RAJA ...APPELLANT(S)

VERSUS

INDIAN BANK & ANR. ...RESPONDENT(S)

ORDER

1. Learned counsel for the respondent - Bank has submitted that the matter may not be kept pending and, instead, may be sent back to the learned Tribunal for consideration of the admission of the insolvency application after issuing limited notice to the Corporate Debtor. In this regard, a decision of this Court in Innoventive Industries Limited vs. ICICI Bank and another<sup>1</sup> has also been referred by the learned counsels for the parties.

1 (2018) 1 SCC 407 [para 28 and 30]

2. In view of the above stand taken on behalf of the respondent - Bank, we allow this appeal and set aside the order of the National Company Law Appellate Tribunal and the order of the Adjudicating Authority (National Company Law Tribunal) and remand the matter to the Adjudicating Authority (National Company Law Tribunal), Chennai for a *de novo* consideration after issuing limited notice to the corporate debtor.

3. The appeal is disposed of in the above terms.

....., J.  
(RANJAN GOGOI)

....., J.  
(R. BANUMATHI)

NEW DELHI  
MARCH 23, 2018

ITEM NO.52

COURT NO.3

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(S). 1616/2018

D.R. BALKRISHNA RAJA

APPELLANT(S)

VERSUS

INDIAN BANK &amp; ANR.

RESPONDENT(S)

(IA NO.19520/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA NO.19522/2018-STAY APPLICATION AND IA NO.23359/2018-PERMISSION TO FILE ADDITIONAL DOCUMENTS FOR VACATING STAY ON IA 35194/2018)

Date : 23-03-2018 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI  
HON'BLE MRS. JUSTICE R. BANUMATHI

For Appellant(s)

Ms. V. Mohana, Sr. Adv.  
Mr. B. Ragunath, Adv.  
Mr. N.C. Kavitha, Adv.  
Mr. A. Arockiaraj, Adv.  
Mr. Vijay Kumar, AOR

For Respondent(s)

Mr. Gourab Banerji, Sr. Adv.  
Mr. Himanshu Munshi, AOR  
Mr. Sahil Tagotra, Adv.  
Mr. Subhash Kumar, Adv.  
Mr. Avinash Kumar Bharti, Adv.  
Mr. Subhro P. Mukherjee, Adv.  
Mr. Raka Chatterjee, Adv.

Mr. Rajesh Kumar Chaurasia, AOR  
Mr. Navin Kumar, Adv.

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

**The appeal is disposed of in terms of the signed order. Consequently, all pending applications are also disposed of.**

**[VINOD LAKHINA]  
AR-cum-PS**

**[ASHA SONI]  
BRANCH OFFICER**

**[SIGNED ORDER IS PLACED ON THE FILE]**