

Daily Orders for Case WP 11327/2025

Sl. No	Judge(s) Name	Date of Order	Daily Order
1	M.NAGAPRASANNA	11/04/2025	<p>The petitioner, one Sri Byju Raveendran, is at the doors of this Court seeking several prayers. The first prayer is to direct the 1st respondent to seize the Corporate Insolvency Resolution Process ('CIRP' for short) and preserve loss of emails or data in view of the minutes of the COC meeting held on 8-4-2025; the second prayer is to direct 1st respondent to initiate necessary process in law to recover and restore all data deleted from the email that he has mentioned in the prayer and to preserve the same for continuance of fair, proper and complete investigation in crime number 44 of 2025 registered before the High Grounds Police Station; the third prayer is to produce the case diary of the investigation conducted till date in crime number 44 of 2025 and the fourth prayer is to expedite the investigation in crime number 44 of 2025. In furtherance of the afore-quoted prayers, interim orders are sought. The learned counsel Sri Shyammohan V., appearing for the petitioner, would take this Court through the documents appended to the petition seeking to demonstrate that the earlier Resolution Professional one Sri Pankaj Srivatsav has admitted to certain misgivings, in his affidavit before the IBBI and the 5th respondent is now appointed as the Resolution Professional. The COC meeting is held on 8-4-2025. The learned counsel would submit that the emails in the database would require for future investigation into the matter in crime number 44 of 2025 and that should not be destroyed. He would refer to the COC meeting on 08-04-2025 that the earlier Resolution Professional has made a statement that about 2392 mails were deleted from the process, due to re-folding of the mails. The learned counsel would submit that emails are very important evidence of conversation or interaction between the stake holders or the protagonists in the lis and those mails should not be permitted to be deleted since they are necessary for the purpose of investigation. He would further submit that now the 5th respondent has been appointed as the Resolution Professional and in that wake, the direction is sought to preserve those mails. The learned Additional Government Advocate, Sri Rahul Cariappa appearing for the State, would on instructions submits that the investigation in crime number 44 of 2025 has been stayed at the hands of the coordinate bench in criminal petition 3717 of 2025 in terms of an order passed on 17-3-2025 qua the accused therein. Therefore, the State has not proceeded to continue the investigation in the light of the interim order so granted. It is his submission that the other prayers that are sought by the petitioner with regard to expediting the investigation in crime number 44 of 2025 or production of case diary in crime number 44 of 2025 if considered, would run counter to the interim order granted by the coordinate bench directing stay of further investigation. The learning senior counsel Sri Udaya Holla appearing for the 9th respondent-GLAS Trust Company would submit that any other prayer, other than what the petitioner is now restricting to, if considered to be granted, even as an interim measure, he would require time to file his statement of objections. But insofar as the preservation of the mails by the Resolution professional/ the 5th respondent, he would have no reservation, rightly so, as in the considered view of the Court, it would become a material required for both investigation in crime number 44 of 2025 and the CIRP. Therefore, the prayer that would merit consideration, at the hands of this Court, at this juncture would only be, with regard to prevention of loss of data and to preserve the conversation of mails in ip.byjus@outlook.com. Learned counsel for petitioner would further contend that he be reserved liberty to agitate the minutes of the committee of creditors held on 8-4-2025 before the appropriate fora. The submission would merit acceptance, in the light of the judgment of the Apex Court in the case of MOHAMMED ENTERPRISES (TANZANIA) LTD. V. FAROOQ ALI KHAN wherein the Apex Court has held that IBC is a complete code by itself, with adequate appellate remedy available to the person aggrieved like the petitioner, to call any decision in question before the NCLT or NCLAT, as the case would</p>

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			<p>be. The Apex Court holds as follows: "13. The jurisdiction and power of the Adjudicating Authority under Section 60(5)(c) has already been reiterated by this Court in Committee of Creditors of Essar Steel India Ltd. v. Satish Kumar Gupta⁵ and Gujarat Urja Vikas Nigam Limited v. Amit Gupta⁶. It is important to note that CIRP proceedings commenced on 26.10.2018, six years ago, and the resolution plan of the appellant was approved in 2020, four years back. The importance of concluding the CIRP proceedings was highlighted by this Court, on a number of occasions⁷. In a recent order in Committee of Creditors of KSK Mahanadi Power Company Ltd. v. Uttar Pradesh Power Corporation Ltd. (supra), this Court has observed that an unjustified interference with the proceedings initiated under the Insolvency and Bankruptcy Code 2016, breaches the discipline of law.</p> <p>... 15. Apart from delay and laches, High Court should have noted that Insolvency and Bankruptcy Code is a complete code in itself, having sufficient checks and balances, remedial avenues and appeals. Adherence of protocols and procedures maintains legal discipline and preserves the balance between the need for order and the quest for justice. The supervisory and judicial review powers vested in High Courts represent critical constitutional safeguards, yet their exercise demands rigorous scrutiny and judicious application. This is certainly not a case for the High Court to interdict CIRP proceedings under the Insolvency and Bankruptcy Code." Therefore, those proceedings which the petitioner is seeking to challenge, i.e., the minutes of the COC meeting or otherwise, would not be entertainable before this Court, it can only be before the NCLT or NCLAT, as the case would be. It is open for the petitioner to avail of such remedy, if he so desires. Thus, all those prayers that challenge the minutes of the COC, in the interim or final prayer, stand rejected. The only prayer that can be granted, at this juncture, is directing the 5th respondent to preserve all the emails or conversations between the protagonists/stakeholders in the case at hand, subject to further orders that would be passed after hearing the parties. Learned counsel for the petitioner shall serve requisite set of petition papers on all the respondents and file an acknowledgement of such service before this Court. List the matter on 21.04.2025.</p>