



CORPORATE, INSOLVENCY & BANKRUPTCY LAWS BAR ASSOCIATION

No. 115, 1st Floor, Luz Church Road, Mylapore,
Chennai - 600 004

E: office.cibba@gmail.com

T: +91 44 2499 5060, 2499 5064, 2499 5065

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28th May 2025

To,

The Hon'ble Chairperson,
National Company Law Appellate Tribunal (NCLAT),
New Delhi.

**Subject: Representation Seeking Constitution of a Second
Bench of NCLAT at Chennai**

Respected Sir,

We are a registered society consisting of legal practitioners before the National Company Law Tribunal, Chennai and were formed with the objective of encouraging and promoting the study of laws relating to Corporate, Insolvency, Bankruptcy, Economic and allied affairs.

We respectfully submit this representation seeking the early constitution of a second bench of the National Company Law Appellate Tribunal (NCLAT) at Chennai.

Kindly permit us to set out a little background to the subject encased request which will serve to highlight the urgency of the same.

On 25.01.2019, the Hon'ble Supreme Court of India, in *Swiss Ribbons v Union of India, W.P. (c) No. 99 of 2018*, recorded the undertaking given by the Union of India for setting up of regional benches of the NCLAT and directed the Union of India to set up the same within 6 months from the date of the said order.



Vide **Notification No. Infra.11013/5/2019-Infra MCA**, the Ministry of Corporate Affairs had decided to constitute a permanent bench of the NCLAT for the Southern Region in Tamil Nadu.

Pursuant thereto, now, the NCLAT Bench is fully functional at Chennai and all cases relating the southern region are presently being heard at the NCLAT, Chennai Bench, by one Bench, comprising of Hon'ble Mr. Justice Sharad Kumar Sharma, Member (Judicial) and Hon'ble Mr. Jatindranath Swain, Member (Technical).

Although adequate infrastructure for setting up of two benches exists at NCLAT, Chennai, owing to the vacancies in the Hon'ble NCLAT, it may not have been practicable to establish the second bench at Chennai.

Now, it is heartening to note that all sanctioned vacancies in the NCLAT have now been duly filled, enabling the Tribunal to function at full strength. In light of this positive development, we humbly urge that necessary steps be taken to operationalize a second bench at Chennai at the earliest.

The rationale for this request is underscored by the following compelling factors:

1. **High Pendency of Matters:** A considerable number of appeals and related matters are pending adjudication before the NCLAT. Despite best efforts of the Hon'ble Bench, owing to the heavy board which they are required to adjudicate, appeals are constantly piling up for consideration before the Hon'ble Tribunal. Therefore, the establishment of an additional bench will go a long way in addressing the backlog, improving the speed and efficiency of justice delivery.
2. **Jurisdiction over Five Southern States:** The Chennai Bench exercises jurisdiction over the states of Tamil Nadu, Kerala, Karnataka, Andhra Pradesh, Pondicherry and Telangana. This expansive regional coverage warrants adequate judicial infrastructure to meet the growing volume of appeals from these states.

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3. **Investment in Infrastructure:** Significant public resources have already been expended in establishing a second courtroom and associated infrastructure at Chennai. However, despite these investments, the facilities remain unused due to the unavailability of members. This underutilization of valuable public assets should be promptly addressed.

In view of the above, we respectfully request your kind intervention to constitute the second bench at NCLAT Chennai, thereby enabling the Tribunal to meet its objective of timely, efficient, and regionally accessible adjudication. Further, to enable proper functioning of the second bench, adequate budgetary allotment must also be made to employ additional court staff, wherever necessary.

We remain hopeful for your appropriate consideration and early action on this matter of pressing public and institutional importance.

Regards,

R. VENKATAVARADAN

PRESIDENT

CC to:

- (a) Hon'ble Minister of Finance and Corporate Affairs
- (b) Secretary, Ministry of Corporate Affairs