

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**THURSDAY, THE FIFTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND**

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

WRIT PETITION NO: 2454 OF 2017

Between:

Badri Vaijanth, S/o B.Subhash, Aged about 39 Yrs, Occ ; nil, R/o H.No.5-1-87,
Shanti Nagar, Zaheerabad.

.....PETITIONER

AND

1. The Union of India, Rep. by its Secretary (Ministry of Finance), New Delhi.
2. The Insolvency and Bankruptcy Board of India, New Delhi, rep. by its Chairperson.
3. Debt Recovery Tribunal Triveni, Complex, 5th Floor, Abids, Hyderabad Rep. by its Registrar.
4. Gopal, S/o Not Known to Petitioner, Aged about 50 years, Occ Govt Teacher, R/o C/o Shanthiniketan School, Rachannapet, Near Rammandir , Zahirabad.
5. P.Narsimha Reddy, S/o P.Ram reddy , Aged about 40 years, Occ Finance and chit Business , R/o Shanthi Ngar , Zahirabad , Town and Mandal , Sangareddy Dist.(Issued One Blank Cheque).
6. Kashinath Patil, S/o Not Known to Petitioner , Aged 55 years, Occ Pvt Financier and chit Business , R/o Golbal Finance , Muncipal Complex ,Zahirabad d Town and Dist Sangareddy.
7. Venkateshwara Finanace, Rep By Its Manager S/o Not Known to Petitioner , Aged about 40 yrs., Occ Manager ,Bhavanimandir Road , Zahirabad Town , Sangareddy Dist.(Issued S.B.H sank Cheque Bearing No 103)
8. Shivraj Patil, S/o Not Known to Petitioner Aged 55 yrs. Occ Daily Finance Business R/o Ramnareddy Complex, Beside Girls High School , Zahirabad Town and Mandal Sangareddy District.
9. Kishore Kulkarni, S/o Not Known To Petitioner , Aged 50 Years Occ Pvt Financier and Chit Buisness R/o 0/0 Master Mind. College ,Pallod Complex , Zahirabad Town and Mandal , Sangareddy District.

10. B.Laxmaiah, S/o Known to Petitioner Aged 48 Occ Daily Finance Business R/o C/o Srikanth Traders , Near Girls High School ,Zahirabad ,Sangareddy Dist ,Telangana.(issued Blank Cheque)
11. Pravin Kumar, S/ o Not Known to Petitioner Aged 38 Years Occ Finance Business R/o C/o ,Zahirabad Town and Mandal ,Sanagreddy Dist ,Telanagana.(Issued Blank Cheque)
12. Srinivas, S/o Not Known to Petitioner Aged 45 Occ Finance Buisness R/o C/o Nandini ice cream A.P.H.B.Colony ,Zahirabad Town and Mandal , Sangareddy Dist ,Telanagana. (issued Blank Cheque)
13. Devraj, S/o Not Known to Petitioner Aged 48 Years Occ Cloth Business R/o C/o K.N Syntex Ltd ,4,-6-178/ 182, 2nd Floor, Anupam Mansion, PAN Bazar, Secunderabad.
14. Chandrashekar, S/o) Not Known to Petitioner , Aged 39 Years Occ Business R/o C/o Basappa Shoe Mart Near OPPO Post Office , Zahirabad Town and Mandal.
15. B.Nagaiah, S/o Not Known to Petitioner Aged 58 Years Occ Finance Business R/o C/a 3-89/3 , Sangareddy Town and Mandal and Dist. (issued H.D.F.0 Blank Cheque Bearing No 000129,000130,000131)
16. Ramulu, S/o Not Known to Petitioner Aged 40 Years Occ Finance Business R/o C/o Srinivas Reddy , M.R.F.Company Sadashivpet ,Sangareddy Dist .(One Cheque H.D.F.0 Bearing No 000127)
17. Jamgi Nagaraj S/o Not Known to Petitioner , Aged 45 Years .Occ Finance Business R/o H.No 2-9 ,Mahindra Colony ,Zahirabad Town and Mandal ,Sangareddy District.
18. V.Sandip, S/o V.Bakkaiah, Aged 44 Occ Finaance ,R/o Kuncharam Village ,Chincholi Tq ,Gulberga Dist Karnataka .(Issued One H.D.F.C.Bank Cheque Bering No -000117)
19. Pandari, S/o Not Known to Petitioner Aged 46 Occ Finance Buisness R/o C/o 1-I.No 5-98/3 , Aryanagar, Zahirabad Town and Mandal, Sangareddy Dist ,T.S
20. Chandrakanth, S/o Not Known To Petitioner, Aged 40 Occ Finance Buisness R/o C/o Master Minds College , Zahirabad Town and Mandal, Sangareddy Dist,T.S
21. Vijay, S/o Not Known to Petitioner, Aged 35 R/o C/o Anand Masala ,opp Bhavani Mandir , Muncipal Complex Zahirabad.
22. Nagaraj, S/o Not Known To Petitioner, Aged 34 Years Occ Finance Business R/o C/o Sri Bhagavathi Finance Corporation ,Back Side Venkateshwara shopping Mall , ,Zahirabad Town and Mandal .(Issued two H.D.F.C.CHEQUES bearing No s 00006,00007)
23. Kishore Lalwani, S/o Not Known To Petitioner , Aged 48 Years Occ Business R/o C/o K.N Syntex Ltd ,4-6-178/ 182,2nd Floor, Anupam ManS/on , PAN Bazar , Secunderabad .
24. Mahender Godke, S/a Manik rao Godke Aged 51 Years Occ Zero Chits and Zero Finance Business R/o C/o Back Side Basaweshwara Statue , Dattagiri colony ,Zahi.rabad. (Issued H.D.F.C.Bank Blank Cheque Bering No 00006 5,000066,000067)

25. Pundalikappa, S/o Not Known to Petitioner Aged 50 Years Occ Zeri Chit Busirtess R/o C/o Prakash Steel ,Hanuraan Mandir Road ,Zahirabad Town and Mandal ,Medak Dist ,T.S .(Issued H.D.F.0 Blank Cheque Bearing No 1635,1636,)
26. Raju, S/o Not Known to Petitioner Aged 40 Years Occ R/o C/o Tractor Show Room ,Zahirabad Mandal ,Sangareddy Dist,Telangana .
27. Chandraiah, S/o Not Known to Petitioner Aged 55 .Occ Finance Business R/o C/o Ambica Sound ,Rachannapet ,Zahirabad town and Mandal ,Medak Dist,Telangana.
28. Guddu, S/o Not Known to Petitioner ,Aged 45 Years Occ Cloth Buisness ,R/o C/o Paramount textiles ,3-4-224,Kailash Market ,Secunderabad.
29. Sailesh, S/o Not Known to Petitioner Aged 48 Occ Cloth Business R/o C/o Prakash Textiles , 3-4-239,1st floor ,Mahankali Monda Mahankali Street , Secunderabad , Telanagana.
30. R.Sanjay Kumar, S/o Not Known To Petitioner Aged 45 Years Occ Cloth Business R/o C/o Muni Suvrat Complex ,Phase II , Building No L-1,Gala No 208,Anjur fata , Bewandi ,Mumbai
31. M.Sanjay Kumar, S/o Not Known To Petitioner Aged 46 Years Occ Cloth Business R/o C/a Muni Suvrat Complex ,Phase III ,Building A ,2nd floor ,Gala No 206,AnJur fata Bewandi Mumbai
32. Bhavani Textiles, S/o Not Known To Petitioner Aged 45 Years Occ Cloth Business R/o C/o Bhavani Textiles ,Shop No 96 Krishnaveni whole sale Cloth Market,Punja Center ,Vijaywada
33. Prigal Textiles, S/o Not Known To Petitioner Aged 45 Years Occ Cloth Business R/o C/a Prigal Textiles ,It 33,V.S.Lane , Near Ganesh temple ,Chickpet Cross Banglore
34. Paramount Fashions, S/o Not Known To Petitioner Aged 45 Years Occ Cloth Business Rio C/o Paramount Fashions,19th 3 rd cross ,4th floor ,H.Siddaih Road,opp V.T Residency Hotel ,Banglore
35. Ravi Kumar, S/o Not Known To Petitioner Aged 45 Occ cloth Business Rio C/o Amar Textiles Secunderabad.
36. Laxminarayan Bajaj, S/o Not Known To Petitioner Aged 45 Occ Cloth Business R/o Pushya Textiles 10-1-5/1,Deepthi Apartments,S-3,opp Canara Bank, Nehru Nagar, Secunderabad.
37. Vimal, S/o Not Known To Petitioner Aged 45 Occ Cloth Business R/o C/o Rajdeep Textiles 105,dadi seth agiary lane ,3rd Floor Kalbadevi Road ,Bewandi ,Mumbai.
38. Global Garments ,, S/o Not Known To Petitioner Aged 45 Occ Cloth Business R/o Global Garments 101,32 bhatti Bhavan ,near Fatima devi English high schoolpuspa colony ,manchubai road ,Malad ,mumbai.
39. Saibanna, S/o Not Known To Petitioner Aged 45 Occ Cloth Business Rf o Chandra Textiles ,4-8-269,rajalingam building ,behind ram Mandir ,Gowliguda ,Hyderabad.
40. Arvind Fabricks, S/o Not Known To Petitioner Aged 45 Occ Cloth Business R/o Arvind Fabricks I-3-9,raghava reddy road Mahanthipuram,Vijayawada,

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41. Raju, S/o Not Known To Petitioner Aged 45 Occ Cloth Business Rio Cia Likitha Silk House ,11-660,Sale street ,Dharmavaram,Ananthpur Dist.
42. Wollen Fabricks, S/o Not Known To Petitioner Aged 45 Occ Cloth Business - Rio Wollen Fabricks 2-4-149and 150 Nallagutta Ramgopal Pet ,Secundrabad.
43. Pring Fashions Ltd, Rep by its Manager occ Business, R/o 33-1-35, Rastrpathi Road, Tankuku, W.G.District.
44. Bavana Textiles, Ltd Rep By manager, Occ Business R/o 240/2 ,3rd Floor ,R.T Street ,Banglore.
45. (Personal Loan) Sriram City Union Finance Limited, Zaheerabad Branch, Sanga Reddy District Account No. ZHRBDPL1608310006.

.....RESPONDENTS

Petition Under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to o issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in not receiving petitioner application for insolvency resolution process under the provisions of the Insolvency and Bankruptcy Code, 2016 as being arbitrary and unconstitutional and to consequently direct the respondents receive the application of the petitioner under section 94 of the Insolvency Resolution ProfesS/onal to initiate the Insolvency Resolution process of the petitioner.

I.A.NO:1 OF 2017 (WPMP.NO:2877 OF 2017)

Petition Under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to issue interim directions of any legal action or proceedings pending or proposed to be initiated by the respondent Nos. 4 to 45 in respect of the all debts of the petitioner as mentioned in application for insolvency resolution process of the petitioner under Section 94 of the Insolvency and Bankruptcy Code, 2016, pending disposal of the writ petition.

Counsel for the Petitioner : SRI DASARI KRISHNA REDDY

Counsel for the Respondent Nos.1 & 2 : SRI GADI PRAVEEN KUMAR, DEPUTY SOLICITOR GENERAL OF INDIA

Counsel for the Respondent Nos.3 to 45 : --

The Court made the following ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT PETITION No.2454 of 2017

ORDER: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. Dasari Krishna Reddy, learned counsel for the petitioner.

2. Learned counsel for the petitioner seeks leave of this Court to withdraw the writ petition.

3. The writ petition is, therefore, dismissed as withdrawn.

Miscellaneous applications pending, if any, shall stand closed. However, there shall be no order as to costs.

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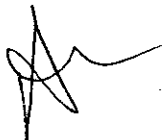
SD/- K. VENKAIAH
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. One CC to SRI DASARI KRISHNA REDDY, Advocate [OPUC]
2. One CC to SRI GADI PRAVEEN KUMAR, DEPUTY SOLICITOR GENERAL OF INDIA [OPUC]
3. Two CD Copies

SA
GJP



HIGH COURT

DATED:05/09/2024



ORDER

WP.No.2454 of 2017

DISMISSING THE W.P

AS WITHDRAWN WITHOUT COSTS.

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