

ITEM NO.33

COURT NO.1

SECTION III

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).1740/2018

(Arising out of impugned final judgment and order dated 15-01-2018 in SPLCA No.19808/2017 passed by the High Court of Gujarat at Ahmedabad)

SHIVAM WATER TREATERS PVT. LTD.

Petitioner(s)

VERSUS

UNION OF INDIA SECRETARY TO GOVT. MINISTRY OF
CORPORATE AFFAIRS & ORS.

Respondent(s)

Date : 25-01-2018 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Mr.Arvind Datar, Sr.Adv.
Mr.Vishwas Shah, Adv.
Mr.Mashoum Shah, Adv.
Mr.Udit Gupta, Adv.
Mr.Anup Jain, Adv.

For M/S. Udit Kishan And Associates, AOR

For Respondent(s) Mr.Debal Kumar Banerjee, Sr.Adv.
Mr. P. S. Sudheer, AOR
Ms.Mayuri N.Chawla, Adv.
Mr.Bharat Sood, Adv.
Ms.Shruti Jose, Adv.

Ms.Subhoshree Sil, Adv.

UPON hearing the counsel the Court made the following

ORDER

Heard Mr.Arvind Datar, learned senior counsel for the petitioner and Mr.Debal Kumar Banerjee, learned senior counsel for the respondents.

Signature Not Verified
Digitally signed by
SATISH KUMAR YADAV
17:29:13 11/01/2018
Reason: []

Having heard learned counsel for the parties, we are only

inclined to request the High Court to address the relief limited to
any action taken by the respondents or any order passed by the

National Company Law Tribunal. Barring this, the High Court should not address any other relief sought in the prayer clause. **The High Court is requested not to enter into the debate pertaining to the validity of the Insolvency and Bankruptcy Code, 2016 or the constitutional validity of the National Company Law Tribunal.**

Our present order does not debar the petitioner to challenge the validity of composition of the National Company Law Tribunal and the validity or the constitutionality of the Insolvency and Bankruptcy Code, 2016 **before this Court** under **Article 32 of the Constitution.**

The special leave petition stands disposed of accordingly. No order as to costs.

(Chetan Kumar)

Court Master

(H.S.Parasher)
Assistant Registrar