

ITEM NO.45

COURT NO.5

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 21929/2026

[Arising out of impugned final judgment and order dated 03-06-2026 in WP No. 16159/2026 passed by the High Court of Karnataka at Bengaluru]

K. C. M. GOWDA

Petitioner(s)

VERSUS

ADITYA BIRLA CAPITAL LIMITED & ANR.

Respondent(s)

IA No. 180337/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 180338/2026 - EXEMPTION FROM FILING O.T.

Date : 16-06-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MR. JUSTICE VIPUL M. PANCHOLI

[PARTIAL COURT WORKING DAYS BENCH]

For Petitioner(s) Mr. Shoeb Alam, Sr. Adv.
Mr. A S Vishwajith, Adv.
Ms. Rupali Francesca Samuel, AOR
Mr. Theerthesh Bs, Adv.
Ms. Alvina Godwin, Adv.
Ms. Aditi Soni, Adv.

For Respondent(s) :

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

1. Learned senior counsel for the petitioner submits that the National Company Law Tribunal (NCLT) ought not to have entered into even a *prima facie* adjudicatory exercise at the stage under Section 94 of Insolvency and Bankruptcy Code (IBC) when prayer is made for appointment of Resolution Professional. Such exercise can only be undertaken upon report of a Resolution Professional been filed at

the stage of admission under Section 100 of Insolvency and Bankruptcy Code.

2. Issue notice.
3. Dasti, in addition, is permitted.
4. List the matter on 24.07.2026.

(KANCHAN CHOUHAN)
SENIOR PERSONAL ASSISTANT

(CHETNA BALOONI)
COURT MASTER (NSH)