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OP (RC) NO. 223 OF 2025

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. SOUMEN SEN

&

THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.

TUESDAY, THE 10TH DAY OF MARCH 2026 / 19TH PHALGUNA, 1947

OP (RC) NO. 223 OF 2025

AGAINST THE ORDER/JUDGMENT DATED IN RCA NO.26 OF 2022
OF ADDITIONAL DISTRICT COURT & SESSIONS COURT - V,
THIRUVANANTHAPURAM / II ADDITIONAL MACT ARISING OUT OF THE
ORDER/JUDGMENT DATED IN RCP NO.15 OF 2016 OF RENT CONTROL
COURT, THIRUVANANTHAPURAM

PETITIONER(S)/APPELLANT/COUNTER PETITIONER:

ATTUKAL DEVI INSTITUTE OF MEDICAL SCIENCES LTD.
ATTUKAL, MANACAUD P.O., THIRUVANANTHAPURAM,
REPRESENTED BY ITS RESOLUTION PROFESSIONAL, C.A
RAJMOHAN. R., PIN - 695009

BY ADVS.
SRI.A.C.VENUGOPAL
SHRI.GAUTHAM MOHAN
SMT.VIDHYA. A.C



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RESPONDENT(S)/RESPONDENT/PETITIONER:

ATTUKAL BHAGAVATHY TEMPLE TRUST
P.B. NO. 5805, ATTUKAL, MANACAUD P.O.,
THIRUVANANTHAPURAM REPRESENTED BY ITS SECRETARY.,
PIN - 695009

BY ADVS.
SRI.ASWIN GOPAKUMAR
SRI.ANWIN GOPAKUMAR
SHRI.ADITYA VENUGOPALAN
SHRI.MAHESH CHANDRAN
SMT.SARANYA BABU
SHRI.ABHISHEK S.
SHRI.ROHIT P.
SMT.GOPIKA B.S.

THIS OP (RENT CONTROL) HAVING COME UP FOR ADMISSION
ON 10.03.2026, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



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JUDGMENT

SOUMEN SEN, C.J.

Heard Mr. A.C. Venugopal, learned counsel for the petitioner and Mr. Aditya Venugopal, learned counsel for the respondent.

2. The present revision arises from an order passed by the Rent Control Appellate Authority on an application filed by the Resolution Professional of the petitioner, who was appointed in connection with the insolvency proceedings of the petitioner. Through the said application, the Resolution Professional sought an order directing the parties to maintain status quo in the pending appeal. The appeal itself arose from an order passed by the Rent Controller in R.C.P. No. 15 of 2016, which had been filed under Section 11(2)(b) of the Kerala Buildings (Lease and Rent Control) Act, 1965 (for short, the Act of 1965).



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3. Admittedly, at the time when the proceedings were initiated, no matter concerning the petitioner was pending before the National Company Law Tribunal (NCLT), and no moratorium had been declared in respect of the assets and properties of the petitioner. By virtue of the order dated 01.02.2026 passed by the Rent Control Court, Thiruvananthapuram, an order of eviction was issued under Section 11(2)(b) of the Act of 1965. The said proceedings were initiated on account of the non-payment of arrears of rent for the period from August 2013 to August 2015. However, in the course of the insolvency proceedings, the landlord submitted a claim for the entire arrears of rent before the Resolution Professional on behalf of the Corporate Debtor in the proceedings pending before the National Company Law Tribunal (NCLT). In the appeal, the prayer for maintaining status quo was made by invoking Section 14 of the Insolvency



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and Bankruptcy Code, 2016. Under Section 14(1), it is clearly stated that once a moratorium is declared, there cannot be an institution of suits or continuation of pending suits or proceedings against the Corporate Debtor. The appeal is a continuation of the original proceedings.

4. Admittedly, on the date when the appeal was taken up for hearing, moratorium was in force. It is immaterial that the Corporate Insolvency Resolution Process was not completed on or before 23.08.2025 as it is been monitored by the NCLT. By virtue of Section 14(4) of the Insolvency and Bankruptcy Code, 2016, the order of moratorium shall have effect from the date of such order till the completion of the corporate insolvency resolution process. The proviso could not be applicable at this stage as the adjudicating authority has not approved the resolution plan under sub-section (1) of section 31 or passes an order for



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liquidation of corporate debtor under section 33. It was under such circumstances that the moratorium ceased to exist. In view of the fact that neither of the situation has occurred in the instant case the moratorium is in place and hence, the Rent Control Appellate Authority could not have proceeded with the said appeal. Under such circumstances, the impugned orders are set aside.

5. The RC Revision is disposed of accordingly.

Sd/-
SOUMEN SEN,
CHIEF JUSTICE

Sd/-
SYAM KUMAR V.M.,
JUDGE

uu/10.03.2026



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APPENDIX OF OP (RC) NO. 223 OF 2025

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE ORDER DATED 27.09.2024
IN CP(IBC)/22/KOB/2024 OF HON'BLE NCLT,
KOCHI
- Exhibit P2 TRUE COPY OF THE ORDER DATED 18.12.2024
IN I.A. (IBC)/526/KOB/2024 IN
CP(IBC)/22/KOB/2024
- Exhibit P3 . TRUE COPY OF ORDER DATED 16.12.2019
IN RCA NO. 29/2017
- Exhibit P4 . TRUE COPY OF THE JUDGMENT IN RCR NO.
177/2020 DATED 11.01.2021 OF THIS
HON'BLE COURT
- Exhibit P5 TRUE COPY OF THE ORDER DATED 14.07.2022
IN RCP NO. 15/2016 OF THE RENT CONTROL
COURT, TRIVANDRUM
- Exhibit P6 TRUE COPY OF RCA NO. 26/2022 FILED BY
THE PETITIONER BEFORE THE HON'BLE RENT
CONTROL APPELLATE AUTHORITY,
THIRUVANANTHAPURAM DATED 11.11.2022
- Exhibit P7 TRUE COPY OF THE STAY ORDER DATED
08.09.2023 IN IA NO. 01/2022 IN RCA NO.
26/2022
- Exhibit P8 TRUE COPY OF THE RCP NO. 42/2024 FILED
BY RESPONDENT
- Exhibit P9 TRUE COPY OF THE FORM B CLAIM SUBMITTED
ON BEHALF OF THE RESPONDENT ON
21.10.2024
- Exhibit P10 TRUE COPY OF THE ORDER DATED 18.01.2025
PASSED BY THE HON'BLE PRINCIPLE SUB
COURT, TRIVANDRUM IN E.A. NO. 720/2023
IN E.P. NO. 262/2020 IN O.S. NO.
248/2014 OBTAINED BY THE PETITIONER
- Exhibit P11 TRUE COPY OF THE JUDGMENT DATED



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23.05.2025 IN OP(C) NO. 1060/2025

Exhibit P12 TRUE COPY OF THE ORDER DATED 30.06.2025
IN OP(C) NO. 1500/2025

Exhibit P13 TRUE COPY OF THE ORDER DATED 26.08.2025
IN OP(C) NO. 1500/2025

Exhibit P14 TRUE COPY OF THE ORDER DATED 04.04.2025
IN IA(IBC)/101/KOB/2025 IN
CP(IBC)/22/KOB/2024 BY THE HON'BLE
NCLT, KOCHI

Exhibit P15 TRUE COPY OF THE ORDER DATED 23.06.2025
IN IA(IBC)/236/KOB/2025 IN
CP(IBC)/22/KOB/2024 BY THE HON'BLE
NCLT, KOCHI

Exhibit P16 TRUE COPY OF THE ORDER DATED 27.08.2025
IN IA(IBC)/331/KOB/2025 IN
CP(IBC)/22/KOB/2024 BY THE HON'BLE
NCLT, KOCHI

Exhibit P17 TRUE COPY OF THE ORDER DATED 11.09.2025
IN IA(IBC)/347/KOB/2025 IN
CP(IBC)/22/KOB/2024 BY THE HON'BLE
NCLT, KOCHI

Exhibit P18 TRUE COPY OF THE FILING DETAILS
OBTAINED FROM THE NCLT PORTAL

Exhibit P19 TRUE COPY OF THE ORDER DATED 08.10.2025
IN IA(IBC)(PLAN)/6/KOB/2025 IN
CP(IBC)/22/KOB/2024 OF THE HON'BLE
NCLT, KOCHI

Exhibit P20 TRUE COPY OF THE ORDER DATED 30.10.2025
IN IA(IBC)(PLAN)/6/KOB/2025 IN
CP(IBC)/22/KOB/2024 OF THE HON'BLE
NCLT, KOCHI

Exhibit P21 TRUE COPY OF THE IA NO. 3/2025 IN RCA
NO. 26/2022 IN RCP NO. 15/2016 ON
18.03.2025 BEFORE THE HON'BLE RENT
CONTROL APPELLATE AUTHORITY,
THIRUVANANTHAPURAM



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Exhibit P22 TRUE COPY OF THE OBJECTION FILED BY THE
RESPONDENT IN IA NO. 3/2025 IN RCA NO.
26/2022 IN RCP NO. 15/2016 ON
30.07.2025 BEFORE THE HON'BLE RENT
CONTROL APPELLATE AUTHORITY,
THIRUVANANTHAPURAM

Exhibit P23 TRUE COPY OF THE ORDER DATED 23.10.2025
IN IA NO. 3/2025 IN RCA NO. 26/2022 IN
RCP NO. 15/2016 BY THE ADDITIONAL RENT
CONTROL APPELLATE AUTHORITY

RESPONDENT EXHIBITS

Exhibit R1 True copy of Registered Rental
Agreement dated 10.10.2008