

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.136 OF 2018

Innoventive Industries Kamgar Sanghatana
Through Ganesh Sakore-President,
Shobha Hargude, Representative of
Labour Union

.... Petitioner

versus

Union of India through Secretary
Ministry of Finance
(Government of India) & Ors.

... Respondents

.....

- Mr.Navin Arora a/w Mr.Vrushali Maindad a/w Mr.Abhijeet A. Desai i/b. Desai Legal Advocate for Petitioner.
- Mr.Ashish Mehta a/w Khorzan Irani i/b. Ashish Mehta, Advocate for Respondent No.1.

**CORAM : SHANTANU S. KEMKAR &
SARANG V. KOTWAL, JJ.**

DATE : 24th SEPTEMBER, 2018.

P.C. :

By filing this Petition the Petitioner is seeking
following reliefs;

(a) *This Hon'ble Court be pleased to issue a writ of
Certiorari or writ in the nature of Certiorari or*

any other writ or order or direction to quash and set aside the impugned judgment dated 08th December 2017 of the Ld. Tribunal.

- b. That, this Hon'ble Court be pleased to issue a Writ of Mandamus and Writ in the nature of mandamus or any other writ, order or direction directing to the Respondent No.1 directing the Revival of the Respondent No.21 company and save it from liquidation by dispensing with the 80% shortfall for touching the criteria of 75% consent of Committee of Creditor for the Approval of Revival according to the provisions of the Insolvency and Bankruptcy Code, 2016.*
- c. That pending the hearing and final disposal of the instant Writ Petition, this Hon'ble Court be pleased to stay the effect and operation of the impugned judgment passed by the Ld. Tribunal dated 08th December 2017, including any steps that have been initiated subsequent to the order dated 08 December 2017 by the Ld. Tribunal.*
- d. That for such other and further relief as this Hon'ble Court may deem fit and proper.*

2. Learned Counsel appearing for Respondent No.1 has raised preliminary objection that against the impugned order dated 08/12/2017 passed u/s 60(5) and 33 of the Insolvency and Bankruptcy Code 2016 by the National Company Law Tribunal, the Petitioner is having alternative and efficacious remedy of appeal before the National Company Law Appellate Tribunal and therefore, this Petition be not entertained.
3. Having regard to the fact that the Petitioner is having alternative and efficacious remedy of appeal, we decline to interfere in the matter in exercise of jurisdiction under Article 226 of the Constitution of India.
4. As a result, we dismiss the Petition with liberty to the Petitioner to challenge the impugned order before the Appellate Tribunal.

(SARANG V. KOTWAL, J.)

(SHANTANU S. KEMKAR, J.)