

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2713 OF 2019

CICIL Biochem Pvt. Ltd.

..Petitioner

Versus

Board of Directors of the Kalyan Janata
Sahakari Bank Ltd. & Ors.

..Respondents

Mr. Mathew Nedumpara a/w Ms. Precilla D'Souza, Ms. Maria Nedumpara, Mr. Amrit Pal Khalsa, Mr. Ajit Shadga & Mr. Raja, Advocates for the Petitioner.

Mr. Rajesh Nagory i/by Ms. Sanjana Ghogare, Advocate for Respondent No.1.

Mr. Himanshu Takke, AGP for Respondent Nos.7 & 9 – State.

CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.
DATE : 4th NOVEMBER, 2019

P.C.

1] Notwithstanding various prayers made in the Writ Petition, at the hearing today learned counsel for the Petitioner restricts the submission as follows :-

Let it be declared by this Court that proceeding initiated by the Kalyan Janta Sahakari Bank Ltd. before the National Company Law Tribunal ("NCLT") decided by the Tribunal by ruling upon its jurisdiction with respect to the plea of the Petitioner that a dispute between the Petitioner and the Bank needs to be resolved as per the

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bye-laws of the Bank and therefore NCLT would not have the subject matter jurisdiction.

2] Notwithstanding counsel submitting the said issue at the hearing but as we proceed to dictate the order wants another issue to be noted for being decided by NCLT. The said issue being cause of action estoppel.

3] Needless to state all defences available to the Petitioner whether on merits or by way of challenge to the jurisdiction of NCLT can be raised by the Petitioner before NCLT and if raised would be decided by NCLT. So declaring, the Petition is disposed of.

Balaji
G.
Panchal

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Balaji G.
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SMT. BHARATI DANGRE, J

CHIEF JUSTICE