

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

WRIT PETITION (L) NO.3447 OF 2019

Mofatraj P. Munot	...	Petitioner
versus		
Union of India and Ors.	...	Respondents

WITH
WRIT PETITION (L) NO.3449 OF 2019

Mofatraj P. Munot	...	Petitioner
versus		
Union of India and Ors.	...	Respondents

Mr.Navroz H. Seervai, Senior Advocate with Mr.Saket Mone, Mr.Suneet Tyagi, Mr.Vishesh Kalra, Ms.Jayshree Ramachandran, Mr.Subit Chakrabarti, Mr.Abhishek Salian, Ms.Kinjal Bhatt & Mr.Vishal Dushing i/b Vidhii Partners for the Petitioner in WPL/3447/19.

Mr.Saket Mone with Mr.Suneet Tyagi, Mr.Vishesh Kalra, Ms.Jayshree Ramachandran, Mr.Subit Chakrabarti, Mr.Abhishek Salian, Ms.Kinjal Bhatt and Mr.Vishal Dushing i/b Vidhii Partners for the Petitioner in WPL/3449/19.

Mr.Anil Singh, Additional Solicitor General a/w Mr.R.V.Govilkar, Mr.Aditya Thakkar, Mr.Ashish Mehta and Mr.Mohit Sahani i/b Mr.Ashish Mehta for Respondent Nos.1 and 2 in both Petitions.

Mr.Sachin Mandlik i/b Mr.Vishal Shriyan for Respondent No.4 in WPL/3447/19 and Respondent Nos.4 and 5 in WPL/3449/19.

Mr.B.A.Patel, Deputy Registrar, NCLT present.

**CORAM :- S. C. DHARMADHIKARI &
R.I.CHAGLA, JJ.**

DATE :- DECEMBER 4, 2019

P.C. :-

1. These two writ petitions are directed against the orders passed by the National Company Law Tribunal, Mumbai Bench dated 27th November, 2019.
2. In the first petition, which is filed by Mofatraj P. Munot, the order impugned is passed in Company Petition No.2700 of 2018.
3. In the second petition being Writ Petition (L) No.3449 of 2019, the petitioner is the same, but the order passed is in Company Petition No.2843 of 2018.
4. These two Company Petitions came to be disposed of on 27th November, 2019.
5. We have heard Mr.Seervai, learned senior advocate appearing for the petitioner in both the petitions, Mr.Mandlik appearing on behalf of the creditor who had initiated the proceedings before the National Company Law Tribunal and the learned Additional Solicitor General appearing on behalf of respondent Nos.1 and 2, namely, Union of India and Registrar of the National Company Law Tribunal, Mumbai Bench.

6. By consent of the petitioner as also respondent No.4 (the original financial creditor/applicant) in the Company Petitions, the impugned orders are quashed and set aside.

7. The applications under Section 7 of the Insolvency and Bankruptcy Code, 2016 stand revived. Company Petition No.2700 of 2018 which has been filed by Meghna Dalmia and Company Petition No.2843 of 2018 filed by Rupa Dalmia are restored to the file of the National Company Law Tribunal, Mumbai Bench.

8. The National Company Law Tribunal shall take up the miscellaneous applications, which have been filed in these two company petitions and after hearing both sides, shall pass appropriate orders thereon strictly in accordance with law. While passing the orders on these applications, the National Company Law Tribunal shall not be influenced by any observation, finding and conclusion in the orders dated 27th November, 2019 which we have quashed and set aside by consent today. If the miscellaneous applications have invoked the powers of the National Company Law Tribunal, Mumbai Bench to allow withdrawal of the applications under Section 7 of the Insolvency and Bankruptcy Code, 2016, then, that request be considered in accordance with the substantive provisions of Insolvency and Bankruptcy Code,

2016 as also Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016.

9. Both the writ petitions are disposed of in this manner. The parties have requested us not to assign reasons for the above arrangement. It is in this light, we have not examined the larger controversy. We have passed this order by consent of both parties before the National Company Law Tribunal. We clarify that Union of India and Registrar of the National Company Law Tribunal are not a party to the consent arrangement recorded in this order.

(R.I.CHAGLA, J.)

(S.C.DHARMADHIKARI, J.)