

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.960 OF 2021**

Sunil Shukla .. Petitioner

Vs.

Union of India & Ors. .. Respondents

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Ms. Priscilla S. Nadar for the petitioner.

Mr. D.P. Singh with Mr. Aditya Thakker for respondent No.1-
Union of India.

Mr. Ravi Kadam, senior advocate with Ms. Neeraja Balakrishnan
with Mr. Nishant Upadhyay i/b AZB & Partners for respondent
No.2-DHFL.

Dr. F.R. Shaikh, A.P.P. for the State.

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**CORAM: S.S. SHINDE &
MANISH PITALE, JJ.**

DATED : 05TH MARCH, 2021.

P.C:-

1. By this writ petition, the petitioner, who claims to be a shareholder of the Company viz. Dewan Housing Finance

AJN

Corporation Limited (“**DHFL**”) has approached this court seeking a writ of certiorari or any other appropriate writ for keeping on hold bidding done for the company – DHFL and for further direction to initiate investigation by SIT as regards the entire activity of bidding.

2. Respondent No.2 has been appointed as the Administrator of DHFL by following the procedure under the Insolvency and Bankruptcy Code, 2016 (“**IB Code**”). It is also an admitted position that the process of bidding is already over and that therefore, the grievance sought to be raised in the present petition is wholly misconceived.

3. It is pointed out by Mr. Kadam, learned senior counsel appearing on behalf of the contesting respondent that further proceedings under the provisions of the IB Code are under consideration of the National Company Law Tribunal as per the provisions of the IB Code.

4. It is further pointed out that so far as the initiation of investigation sought by the petitioner is concerned, Section 233 of the IB Code clearly provides that no suit, prosecution or other legal proceedings shall lie against the Government or the Board or any Insolvency Professional or Liquidator for anything which is done in good faith under the IB Code or the Rules or the

Regulations framed thereunder. On this basis, it is submitted that the writ petition is wholly misconceived.

5. We have perused the contents of the writ petition and find that the grievance sought to be raised by the petitioner in the present criminal writ petition seeking to invoke jurisdiction under Article 226 of the Constitution of India, is wholly misconceived and it appears that the petitioner is before the wrong Forum. Even otherwise, when we put queries to learned counsel appearing for the petitioner with regard to the said aspect of the matter, she is unable to point out how the present writ petition with the prayers made therein is maintainable before this court.

6. We also found that the petitioner, who is himself present in the court, is repeatedly interfering and disturbing learned counsel appearing for the petitioner whilst she is making her submissions. The proceedings before this court are repeatedly disturbed by the petitioner, who is present himself in the court. We do not appreciate this conduct of the petitioner and we fail to understand how he could make an attempt to address this court directly when he has engaged an advocate to appear for him. This is an additional reason why we refuse to entertain the present petition.

7. In view of the above, since we have found that the present writ petition is wholly misconceived, we decline to entertain the

same under Article 226 of the Constitution of India.
Accordingly, the writ petition is dismissed.

(MANISH PITALE, J.)

(S.S. SHINDE, J.)