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

WRIT PETITION NO. 10624 OF 2022

Ishrat Ali s/o Mr. Shaukat Ali	...	Petitioner
<i>Versus</i>		
Union of India and Ors.	...	Respondents

Mr. Dhruv Surana a/w Mr. Chitan Bhura and Ms. Trisha A. Singh i/by
Mr. Suttana V. Sonawane for the Petitioner.
Mr. S. B. Kalel, AGP for the State.

**CORAM: S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**
DATE : 12th SEPTEMBER, 2022

P.C. :-

. The learned advocate for the petitioner strenuously contend that large scale fraud and illegality has been committed, during the course of the proceedings before NCLT at the behest of the respondent – authority and the respondent no.4. According to the learned counsel, the five page order of the NCLT dated 23rd September, 2019 is a fake and forged order. Upon the complaint of the petitioner, enquiry committee was constituted. The enquiry committee also concluded that the five page order was not available on the file and only a short order was available, in spite of the same, no further steps are undertaken. This itself shows that the orders are passed anti-dated. According to the learned counsel even after the proceedings were remanded by the Apex Court, the copy of the order dated 25th February, 2022 was not made available to the petitioner immediately but was made available to

respondent no.4. The respondent no.4 proclaimed about the said order passed, however the petitioner was provided with the said order only on 29th March, 2022. Enquiry deserves to be conducted in respect of the same. The records could also be tampered with by the respondents. This Court in exercise of its powers under Article 227 of the Constitution of India can exercise its jurisdiction. The matter pending with the Apex Court is qua the judicial proceedings and not with the regard to the administrative matter.

2. We have considered submissions canvassed by the learned advocate for the petitioner. The order dated 23rd September, 2019 was a subject matter of challenge before the NCLT and subsequently before the Apex Court. The Apex Court had remitted the matter to the NCLT. After the matter was remitted, the NCLT decided the proceedings afresh. Thereafter, the order is challenged by the petitioner before the Appellate Tribunal. The Appellate Tribunal, it appears has dismissed the appeal. The petitioner has approached the Apex Court and the proceedings filed by the petitioner are pending before the Apex Court. The Apex Court is already seized with the matter. The contention of the petitioner is that subsequent order is also belatedly given to it.

3. As the Apex Court is already seized with the matter, it would be inappropriate for this Court to interfere with the petition at this stage.

4. In light of the above, at this stage, we are not inclined to consider the petition. Writ Petition as such is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]