

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1426 OF 2023

Rankini Power Generation Pvt. Ltd.)...Petitioner

V/s.

Union of India and Others)...Respondents

Mr. Beni Chatterjee, Senior Counsel a/w. Mr. Sumeet Nankani
a/w. Mr. I.J.Nankani and Mr. H.S.Khokhawala i/b. Nankani &
Associates, Advocate for the Petitioner.

Mr. D.P.Singh a/w. Mr. Aditya Thakkar and Ms. Savita Ganoo,
Advocate for the Respondent No.1 – Union of India.

Mr. Nainesh Amin, Mr. Vinod Kumar Kothari and Ms. Shaivi
Bhamaria, Advocate for the Respondent No.3.

**CORAM : NITIN JAMDAR AND
ABHAY AHUJA, JJ.**

DATE : 6 FEBRUARY 2023

P.C.

Heard the learned Counsel for the parties.

2 The Petitioner is making a grievance that the Petitioner is suffering substantial loss of amount on account of delay in completion of proceedings in terms of Regulation 45(3) of the IBBI (Liquidation Process) Regulations, 2016. Even though the Regulation mandates a particular time limit for disposal, proceedings are pending though the Sale Certificates are issued. However, that the proceedings are pending before the National Company Law Tribunal (NCLT) for some time cannot be the only ground for exercise of writ jurisdiction on merits of the contention.

3 The Petitioner has sought prayer that the NCLT should be directed to dispose of the interlocutory application within a reasonable period of time.

4 It is not possible to issue such direction in writ jurisdiction without being aware of the pendency of matters before the NCLT as there could be older matters pending before the NCLT with equally pressing causes and such directions for out of turn hearing would cause prejudice to those who are waiting and have chosen to wait. Therefore, the appropriate course of action would be to permit the petitioner to make an application to NCLT for early disposal

of the application and upon such application being made, leave it to the NCLT to decide the out of turn priority.

5 We, however, bring to the notice of the NCLT, the time mandate provided in the statute in respect of disposal of the proceedings pending before it.

6 The Writ Petition is accordingly disposed of. Needless to say, application made for early disposal of the Petitioner would be decided at the earliest.

(ABHAY AHUJA, J.)

(NITIN JAMDAR, J.)

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