

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3585 OF 2024

Axis Bank Limited

..... Petitioner

VERSUS

**National Company Law Tribunal – 1,
Mumbai & Ors.**

..... Respondents

Mr. Mahesh Deshmukh a/w. Ms. Bijal Gogri i/b. O M Gujar Law Chambers for the Petitioner.

Mr. M. S. Bhardwaj for the Respondent No.1.

Ms. Priya Nigwekar i/b. Ms. Pallavi Chari for the Respondent No.3.

**CORAM : A.S. CHANDURKAR &
RAJESH S. PATIL, JJ**

DATE : 3rd SEPTEMBER, 2024

P.C. :-

In this writ petition, the petitioner – creditor has sought a declaration that the proceedings initiated by the 2nd respondent under Section 94 (1) of the Insolvency and Bankruptcy Code, 2016 are not maintainable as the 2nd respondent was not a personal guarantor to a corporate debtor.

2. During the pendency of the present proceedings, the 2nd

respondent has withdrawn the aforesaid proceedings that were filed before the National Company Law Tribunal. In view of this development, nothing survives for adjudication.

3. The learned counsel for the petitioner seeks cost from the respondent no.2 as it was required to approach this Court. He submits that though the proceedings were not maintainable, the same were filed. We find from the order dated 26th June 2024 that the present petitioner had appeared before the National Company Law Tribunal when the request for withdrawing the proceeding was made by the respondent no.2. In the said proceedings, no grievance of this sort is shown to have been raised. In that view of the matter, we do not find any legal justification to grant this prayer of the petitioner.

4. In view of the aforesaid, writ petition is disposed of.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]