

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
REVIEW PETITION NO.9 OF 2024
IN
WRIT PETITION (L) NO.35792 OF 2022

Mrs.Manisha Nimesh Mehta .. Review Petitioner
Versus

Board of Directors, Represented
by Chairman & Managing Director of
ICICI Bank, ICICI Bank Head Office,
ICICI Bank Towers, Bandra Kurla
Complex and Others

.. Respondents

WITH
REVIEW PETITION (L) NO.4758 OF 2024
IN
WRIT PETITION NO.4620 OF 2022

A. Navinchandra Steels Pvt Ltd & Anr.
Versus

.. Review
Petitioners

Union of India & Ors.

.. Respondents

WITH
REVIEW PETITION NO.8 OF 2024
IN
WRIT PETITION (L) NO.10862 OF 2023

Cjex Biochem Pvt Ltd

..Petitioner

Versus

Board of Directors of Pegasus

Assets Reconstruction Pvt Ltd & Ors

..Respondents

WITH

REVIEW PETITION NO.10 OF 2024

IN

WRIT PETITION (L) NO.12079 OF 2023

Dinesh Keshawrao Atkare

..Petitioner

Versus

Board of Directors of Tata

Capital Finance Services Ltd & Ors

..Respondents

WITH

REVIEW PETITION NO.11 OF 2024

IN

WRIT PETITION (L) NO.18563 OF 2023

M/s.Vbera Technologies Pvt Ltd

..Petitioner

Versus

Board of Directors of Ratnakar Bank Ltd & Ors

..Respondents

WITH

REVIEW PETITION NO.12 OF 2024

IN

WRIT PETITION (L) NO.20100 OF 2023

M/s.Pro Knits

..Petitioner

Versus

Board of Directors of CanaraBank Ltd & Ors ..Respondents

WITH

REVIEW PETITION(L) NO.4754 OF 2024

IN

WRIT PETITION (L) NO.14807 OF 2023

M/s.Apex Consumer Appliances Pvt Ltd ..Petitioner

Versus

The Board of Directors of Bank of Baroda & Ors ..Respondents

WITH

REVIEW PETITION(L) NO.6609 OF 2024

IN

WRIT PETITION (L) NO.13410 OF 2023

Adair Electrical Motors Stamping ..Review Petitioner

Versus

IDFC Bank & Ors ..Respondents

WITH

REVIEW PETITION(L) NO.4781 OF 2024

IN

WRIT PETITION (L) NO.30038 OF 2022

Cjex Biochem Pvt Ltd ..Review Petitioner

Versus

The Board of Directors of Piramal Capital
& Housing Finance Ltd & Ors ..Respondents

WITH

REVIEW PETITION(L) NO.4765 OF 2024

IN

WRIT PETITION NO.4620 OF 2022

Shree Shantinath Steels & Anr

..Review Petitioners

Versus

Union of India & Ors

..Respondents

WITH

REVIEW PETITION(L) NO.12487 OF 2024

IN

WRIT PETITION(L) NO.14807 OF 2023

M/s. Apex Consumer Appliances Pvt Ltd

..Review Petitioner

Versus

The Board of Directors of Bank of Baroda & Ors

..Respondents

WITH

REVIEW PETITION(L) NO.6067 OF 2024

IN

WRIT PETITION(L) NO.19661 OF 2023

Satiate Engineering Pvt. Ltd

...Review petitioners

Versus

The Board of Directors of Axis Bank Lt & Ors

...Respondents

Mr. Mathew Nedumpara a/w Hemali Kurane, Shameem Fayiz, J. Joshna, Bhupendra Munday, Rahul Yadav & Akhilesh Nair i/b Nedumpara & Nedumpara, Advocates for the Petitioners in all matters.

Mr. Harjot Singh Alang i/b Raval Shah & Co, Advocates for

Respondent No. 1 in RPW/9/2024

Mr. Madhur Rai a/w Ashish Kanojia i/b PRS Legal, Advocates for Respondent No. 5 & 6 in RPW(L)/4758/2024, RPW(L)/4765/2024 & for Respondent Nos. 1 & 2 in RP(L)/4754/2024

Mr. Gaurav Jangle a/w Kunjita Shah i/b I. V. Merchant & Co, Advocates for Respondent Nos. 1 to 3 in RPW(L)/4407/2024.

Mr. Charls D'souza a/w Neelanshu Roy, Advocates for Respondent Nos. 3 & 4 in RPW(L)/4644/2024.

Mr. R. V. Govilkar, Sr. Counsel a/w Ashutosh Mishra & S. N. Khan for Union of India in all matters.

Mr. Sumedh Ruikar a/w Viraj Shelatkar i/b Pradip Yadav, Advocates for Respondent No. 5 in RPW/9/2024.

Mr. Ayush Kothari a/w Vinay Deshpande & Shreyansh Desai i/b M/s. V. Deshpande & Co, Advocates for Respondent Nos. 1 & 2 in RPWL/6609/2024.

Mrs. Jyoti Chavan, Addl. G. P. for the State in RPW/9/2024.

Mr. A.L. Patki, Addl. G. P. For State in RPW(L)/4758/2024.

**CORAM: B. P. COLABAWALLA &
M. M. SATHAYE, JJ.**

**DATE: AUGUST 5, 2024
(IN CHAMBERS)**

P. C.

Review Petition No.12 of 2024, Review Petition No.10 of 2024,
Review Petition No.8 of 2024, Review Petition (L) No.4754 of 2024, Review
Petition(L)No.6609 of 2024, Review Petition No.11 of 2024, Review Petition

(L)No.4781 of 2024, Review Petition (L) No.4765 of 2024, Review Petition (L) No. 12487 of 2024 and Review Petition (L) No. 6067 of 2024, not on Board. With the consent of parties taken on Board.

2 In our order dated 29th July, 2024 passed in Review Petition No.9 of 2024 and Review Petition (L) No.4758 of 2024,we had noted that the Review Petitioners seek to review the order passed by this Bench on 11th January, 2024. By the said decision, this Court took the view that Banks/Non-Banking Financing Companies are not obliged to adopt the restructuring process as contemplated in the Notification 29th May, 2015 issued by the Ministry of Micro, Small and Medium Enterprises on its own, without there first being any application by the Petitioners/MSMEs in that regard.

3 After the aforesaid two Review Petitions were filed, Mr. Nedumpara also brought to our attention that several other Review Petitions have been filed. We had, therefore, directed that all the Review Petitions be served on the respective Respondents and had placed the matters on Board today for further directions.

4 Today when the matters are called out, we are informed that the order under review, namely, our order dated 11th January 2024, has been set aside by the Hon'ble Supreme Court by its judgment and order dated 1st August, 2024. A copy of the said order of the Hon'ble Supreme Court has been tendered to us by Mr. Nedumpara. We have perused the said order which clearly records that the impugned order (i.e. the order dated 11th January, 2024) is set aside. The matters have not been remanded back to the High Court for consideration of any issue afresh and has further stated that all other issues which are not dealt with by the High Court based on the factual aspects of the Writ Petitions, the parties are at liberty to take recourse to any remedy, as may be legally available to them. Once this is the judgment and order passed by the Hon'ble Supreme Court, Mr. Nedumpara correctly submitted that nothing would survive in any of these Review Petitions as the same are rendered infructuous.

5 We agree with the submissions of Mr. Nedumpara. Since the order under review itself is set aside, nothing is left for us to review. In these Circumstances, the Review Petitions are dismissed as infructuous. In view of the disposal of the above Review Petitions, nothing survives in any of the Interim Applications pending therein and the same are also disposed of accordingly.

6 This order will be digitally signed by the Private Secretary/
Personal Assistant of this Court. All concerned will act on production by fax
or email of a digitally signed copy of this order.

[M. M. SATHAYE J.]

[B. P. COLABAWALLA, J.]