

12.06.2025
SI No.17
Court No.8
(gc)

WPA (P) 176 of 2021

Farooque Ali
Vs.
Union of India & Ors.

Mr. Pronay Agarwal,
Mr. Anuj Chakraborty
...for the Respondent No.5.

1. The writ petitioner is not represented. Even on the earlier occasion, the writ petitioner was not represented.
2. The respondent no.3 is the company and the respondent no.5 is the insolvency resolution professional appointed by the NCLT, Kolkata. The respondent no.2, Bhuwalka Developments Pvt. Ltd. appears to have filed a resolution plan and is pending before the NCLT.
3. The learned Counsel for the respondent no.5 is unable to apprise whether the NCLT has accepted the resolution plan. However, it is submitted that the matter is pending.
4. In view of the fact that the insolvency of the respondent no.3 is presently pending before the NCLT and the allegation is that the respondent no.3 company through his friends cause a resolution plan to be filed through its friendly companies, the sole intention is to bypass the judgment of the Hon'ble Supreme Court in Common Cause Vs. Union of India &

Ors. decided on 2nd August, 2017 in WP (Civil) No.114 of 2014, it would be for the NCLT to consider the resolution plan and we do not find any reason to exercise our jurisdiction in this regard.

5. The public interest element is missing. It is for the NCLT to consider the resolution plan and the public interest litigation cannot be used to interfere with any resolution plan that may be approved by the NCLT.
6. Accordingly, the writ petition is disposed of.
7. However, there shall be no order as to costs.
8. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Soumen Sen, J.)

(Smita Das De, J.)