LAXMIKANT GOPAL CHANDAN
Digitally signed by LAXMIKANT GOPAL CHANDAN
Date: 2025.11.25 18:10:35 +0530

lgc

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2207 OF 2024
WITH
INTERIM APPLICATION NO.1473 OF 2025
IN
WRIT PETITION NO.2207 OF 2024

Surendra Agarwal : Petitioner

Versus

Union of India : Respondent

WITH
WRIT PETITION NO.2208 OF 2024

Omega Rolling Mills Pvt. Ltd. : Petitioner

Versus

Union of India : Respondent

WITH
WRIT PETITION NO.2209 OF 2024

Sharp Metal Overseas : Petitioner

Versus

Union of India : Respondent

WITH
WRIT PETITION NO.2210 OF 2024
WITH
INTERIM APPLICATION NO.1472 OF 2025
IN
WRIT PETITION NO.2210 OF 2024

Omega Rolling Mills Pvt. Ltd. : Petitioner

Versus

Union of India : Respondent

WITH
WRIT PETITION NO.3067 OF 2024
WITH
INTERIM APPLICATION NO.1474 OF 2025
IN
WRIT PETITION NO.3067 OF 2024

Leebo Metals Pvt. Ltd. : Petitioner

Versus

Union of India : Respondent

WITH
WRIT PETITION NO.3069 OF 2024

Rajesh Kumar Agarwal : Petitioner

Versus

Union of India : Respondent

WITH
WRIT PETITION NO.3066 OF 2024
WITH
INTERIM APPLICATION NO.1476 OF 2025
IN
WRIT PETITION NO.3066 OF 2024

Omega Rolling Mills Pvt. Ltd. : Petitioner

Versus

Union of India : Respondent

WITH
WRIT PETITION NO.3065 OF 2024
WITH
INTERIM APPLICATION NO.1475 OF 2025

IN
WRIT PETITION NO.3065 OF 2024

Sharp Metal Overseas : Petitioner
Versus
Union of India : Respondent

WITH
WRIT PETITION NO.3063 OF 2024

Leebo Metals Pvt. Ltd. : Petitioner
Versus
Union of India : Respondent

Mr Bharat Raichandani (Through V.C.) a/w Adv. Dhanistha Kawale i/by UBR Legal Advocates, for the Petitioners in all the Petitions.
Mr Karan Adik a/w Ms. Sangeeta Yadav, for the Respondent in all the Petitions.

CORAM M.S. Sonak &
Advait M Sethna, JJ.
DATED: 24 November 2025

ORAL ORDER:- *(Per M. S. Sonak, J).*

1. Heard learned counsel for the parties.

2. In some of the Petitions in this batch, the orders in the original have already been issued, and in others, the adjudication is pending and the orders have yet to be issued.

3. According, we transcribe below a Chart that would explain the status of the pending and disposed of adjudication proceedings: -

Sr. No.	Writ Petition No.	Parties Name	Show cause notice date	Order-in-Original dated	No. of years of Delay
1	WP/2207/2024 (Civil) with IA/1473/2025	Surendra Agarwal vs. Union of India	26.09.2006	08.03.2024	18 years
2	WP/2208/2024 (Civil)	Omega Rolling Mills Pvt. Ltd. vs. Union of India	26.09.2006	Not Issued	17 years
3	WP/2209/2024 (Civil)	Sharp Metal Overseas vs. Union of India	26.09.2006	Not Issued	17 years
4	WP/2210/2024 (Civil) with IA/1472/2025	Omega Rolling Mills Pvt. Ltd. vs. Union of India	31.05.2012	08.03.2024	12 years
5	WP/3067/2024 (Civil) with IA/1474/2025	Leebo Metals Pvt. Ltd. vs. Union of India	16.01.2007	08.03.2024	17 years
6	WP/3069/2024 (Civil)	Rajesh Kumar Agarwal vs. Union of India	28.05.2009	Not Issued	15 years
7	WP/3066/2024 (Civil) with IA/1476/2025	Omega Rolling Mills Pvt. Ltd. vs. Union of India	15.01.2007	08.03.2024	17 years
8	WP/3065/2024 (Civil) with IA/1475/2025	Sharp Metal Overseas vs. Union of India	15.01.2007	08.03.2024	17 years
9	WP/3063/2024 (Civil)	Leebo Metals Pvt. Ltd. vs. Union of India	26.09.2006	Not Issued	17 years

4. The challenge in these Petitions is not really on merits but on the ground of delay in adjudication.

5. In the case of **Gupta Metal Sheets Pvt. Ltd. Vs. Union of India**[1], we disposed of the Petition by granting the Petitioner therein liberty to appeal the order in the original by raising all permissible contentions, including the contention of delayed

[1] Writ Petition No.3383 of 2025 disposed of on 10 November 2025.

adjudication. The Appellate Authority was directed to dispose of the Appeal in accordance with law, no doubt, after taking cognisance of the Hon'ble Supreme Court's order dated 02 May 2025 in the case of **Union of India & ors. Vs. GMR Airport Infrastructure Ltd**[2]. By the said order, the Courts have been required to defer the consideration of the issue of delayed adjudication until the said Special Leave Petition is disposed of.

6. Similarly, in cases where the adjudication is yet to be completed i.e. orders in original are yet to be passed, we have relegated the parties to apply to the adjudicating authority for deferring such proceedings in the light of the Hon'ble Supreme Court's order dated 02 May 2025 in the case of *GMR Airport Infrastructure Ltd* (supra). Further, we had directed the adjudicating authority to consider such an application for deferment in accordance with law, given the Hon'ble Supreme Court's order dated 02 May 2025.

7. Accordingly, we dispose of these Petitions by granting the Petitioners in Writ Petition Nos. 2207/2024, 2210/2024, 3067/2024, 3066/2024 and 3065/2024 liberty to appeal the orders in original. Mr Raichandani states that the Petitioners will file their Appeals within six weeks from the date of uploading of this order by complying with all the prescribed formalities, like pre-deposit, etc.

8. If the Appeals are indeed filed within six weeks from today as stated above, then the Appellate Authority should dispose of such Appeals on their own merits without adverting to the issue of limitation. This is because the Petitioners were bonafide pursuing these Petitions before this Court. The Appellate

[2] Petition for Special Leave to Appeal (C) No.5392 of 2025

Authority should, no doubt, take cognisance of the Hon'ble Supreme Court's order of 02 May 2025 in *GMR Airport Infrastructure Ltd* (supra).

9. Insofar as Writ Petition Nos. In respect of Petitions 2208/2024, 2209/2024, 3069/2024 and 3063/2024, we dispose of these Petitions by granting the Petitioners therein liberty to apply to the adjudicating authority for deferment of the adjudication proceedings. Such applications should be considered in the light of the Hon'ble Supreme Court's order of 02 May 2025, and appropriate decisions should be taken thereon.

10. We have adopted the aforesaid course of action in these matters, firstly to maintain consistency and secondly because in matters where order in original has been passed, delayed adjudication may not be the only ground on which such orders are being challenged. Should the ground of delayed adjudication fail, naturally, the Petitioners would want to challenge the orders in the original on their merits by raising all other and permissible grounds. It may not be possible for this Court, in the exercise of its writ jurisdiction, to consider all such additional grounds on merits. Instead, the Appellate Authority would be in the best position to consider all such grounds, including the ground of delayed adjudication, depending, no doubt, on the decision of the Supreme Court in *GMR Airport Infrastructure Ltd* (supra).

11. For all the above reasons, we dispose of all these Petitions in terms of the above order and liberties contained therein.

12. Once again, we clarify that we have not examined the merits of the parties' disputes, nor the contention regarding delayed adjudication. Therefore, all such contentions are left

explicitly open to be considered by the Appellate Authority or the adjudicating authority as the case may be, no doubt, within the bounds of the parameters set out in the Hon'be Supreme Court's order of 02 May 2025 in the case of *GMR Airport Infrastructure Ltd* (supra) and such other and further orders that will be made by the Hon'ble Supreme Court in the said Special Leave Petition.

13. The Interim Applications in these Petitions will not survive in view of the disposal of these Petitions, and even such Interim Applications are disposed of.

14. All concerned parties must act upon an authenticated copy of this order.

(Advait M Sethna, J) **(M.S. Sonak, J)**