

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14037 OF 2024
AND
WRIT PETITION NO. 2652 OF 2023

Pankaj Shrivastava & Anr.

...Petitioners

Vs.

Nirmal Lifestyle (Kalyan) Pvt. Ltd. & Ors.

...Respondents

Mr. Rajesh Singh with Mr. Iftexhar Sayed, Ms. Sarita Chaudhary, Mr. Ranjan Mishra and Mr. Sauran Singh for Petitioners.

Ms. M. P. Thakur, AGP for State.

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.
DATE: 23 SEPTEMBER 2025.

P.C.

1. This petition under Article 226 of the Constitution of India is filed praying that the Recovery Warrant dated 14 March 2022 read with 12 November 2020 issued against respondent nos.1 to 7 under Section 40(1) of Real Estate (Regulation and Development) Act, 2016 ("**RERA**") which is passed in the proceedings filed by the petitioners on which final order dated 23 December 2019 was passed by the Maharashtra Real Estate Regulatory Authority, Mumbai (**Maha RERA**) under Section 176 of the Maharashtra Land Revenue Code, 1966.

2. Considering the view taken by this Court in **Rajkumari Sharma Vs. The State of Maharashtra & Anr.**) and Writ Petition No. 16711 of 2024 (**Yash Textiles Machines Pvt. Ltd. Vs. The State of Maharashtra**), we have passed a detailed order on the earlier occasion calling upon the Tahasildar to place on record an affidavit in regard to the compliances which are achieved in execution of the warrant.

3. In pursuance of our order, Mr. Sachin Laxman Shejal, Tahasildar, Kalyan, has placed on record reply affidavit dated 20 September 2025 in which it is stated that against respondent nos.1 to 7, proceedings, namely, an application bearing No. CP (IB) No. 1337/MB/2020, are initiated by one SREI Equipment Finance Limited, Financial Creditor, before the National Company Law Tribunal, Mumbai, Bench-IV, ("NCLT") on which an order has been passed whereby it is ordered by the NCLT that the application in question filed by SREI Equipment Finance Limited, the Financial Creditor, under Section 7 of the Insolvency & Bankruptcy Code, 2016 (I&B Code) against respondent nos.1 to 7 has been admitted for initiating Corporate Insolvency Resolution Process (CIRP). The NCLT declared moratorium under Section 14 of the I&B Code with consequential direction by virtue of which the institution of suits or continuation of pending suits or proceedings against the corporate debtor including execution of any judgment, decree or order in any court of law, tribunal, arbitration panel or other authority, has been prohibited. A copy of the said order is annexed to the reply affidavit.

4. In this view of the matter, we are of the opinion that it may not be possible for the Tahasildar, Kalyan, in view of the said order passed by the NCLT, to execute the warrant in question. The appropriate remedy for the petitioners is to approach the NCLT and obtain appropriate orders in the course of the Corporate Insolvency Resolution Process which is subjudice before the NCLT in the proceedings of IBBI/IPA-001/IP-P00233/2017-2018/10462.

5. We accordingly dispose of this petition permitting the petitioners to approach the NCLT. All contentions of the petitioners in that regard are expressly kept open.

6. We may also observe that in view of the aforesaid observations, we have not delved on the rival contentions of the parties. All contentions of the parties are expressly kept open to be urged before the NCLT or before the Corporate Insolvency Resolution Process (CIRP).

7. Disposed of in the aforesaid terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)