

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14750 OF 2025

Vardhan Agro Processing Ltd. & Anr., ...Petitioners

Versus

Union of India & Ors., ...Respondents

Mr. Rohaan Cama a/w T.N. Tripathi, Kunal and Somya i/b T.N. Tipathi & Co. for the Petitioners.

Ms. Mable Soans i/b Mable & Associates for Respondent No.3.

Mr. Ashutosh Mishra i/b A.A. Ansari a/w Gaurav Mhatre for Respondent No.1.

CORAM : R.I. CHAGLA AND
FARHAN P. DUBASH, JJ.

DATE : 16 DECEMBER, 2025

ORDER :

1. The learned Counsel appearing for the Petitioners states that the Respondents had been served way back on 24th November, 2025. There is an Affidavit of Service dated 1st December, 2025 filed by the Advocates for the Petitioners. Today, she tenders an Affidavit of Service dated 15th December, 2025 which also shows that the Respondents have been given notice of today's listing and they have

acknowledged the service. The Affidavit of Service is taken on record.

2. The learned Counsel for Respondent No.3 – Bank has sought for time to file Affidavit-in-Reply to the Writ Petition. This is opposed by the learned Counsel for the Petitioners on the ground that the Respondent No.3 – Bank has filed a Petition under Section 7 of the IBC before the NCLT and which had come up today and thereafter has been stood over to 18th December, 2025. It is the contention of the learned Counsel for the Petitioners that Respondent No.3 - Bank is precipitating the matter before the NCLT and in the event that Petition is admitted, the present Writ Petition will not be able to proceed in view of the moratorium.

3. We have considered the submissions. In the circumstances of this case, particularly since Respondent No.3 – Bank is proceeding with its Petition under Section 7 before the NCLT, the time sought for by Respondent No.3 – Bank to file Affidavit-in-Reply cannot be granted.

4. Having so expressed our views, the learned Counsel appearing for Respondent No.3 – Bank states on instructions that

Respondent No.3 – Bank will seek an adjournment before the NCLT on Thursday i.e. 18th December, 2025 when the matter has been stood over for admission of the Petition, to a date beyond when the present Petition shall be heard for interim relief. The statement is accepted.

5. In view of the above statement, the Respondent No.3 – Bank is permitted to file their Affidavit-in-Reply on or before 22nd December, 2025.

6. The Writ Petition shall be placed on 23rd December, 2025 on the Supplementary Board.

[FARHAN P. DUBASH, J.]

[R.I. CHAGLA, J.]

Kavita S.J.
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