

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 13437 OF 2025

Mr. Kishore Ramniklal Raja

...Petitioner

Versus

ICICI Home Finance Company Limited and Others

...Respondents

**WITH
WRIT PETITION NO. 12492 OF 2025**

Ms. Sana Raees Khan a/w Mr. Mehul Thakker and Mr. Palak Kasliwal for the Petitioner in WP/13437/2025 and for Respondent No. 4 in WP/12492/2025.

Ms. Charles De Souza a/w Mr. Nikhil Rajani, Mr. Rupak Sawangikar and Mr. Ajay Deshpande i/b V. Deshpande & Co. for the Petitioner in WP/12492/2025 and for Respondent No. 1 in WP/13437/2025.

**CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, J.J.**

DATE : 30th APRIL, 2026.

P.C. :

. Both the Petitions challenged order dated 30.07.2025 passed by the Debt Recovery Tribunal-II, Mumbai (“**DRT-II**”). The Petitioner in Writ Petition No. 12492 of 2025 is the Secured Creditor while the Petitioner in Writ Petition No. 1437 of 2025 is the Auction Purchaser.

2. Impugned order dated 30.07.2025 passed by DRT-II records that since a moratorium is operating in the light of a Petition pending before the National Company Law Tribunal (“**NCLT**”), Mumbai under Section 95 of the Insolvency and Bankruptcy Code, 2016 (“**IBC**”), no further order can be passed by the DRT-II.

3. Due to the aforesaid observation in the interim order about the moratorium operating, the Petitioners i.e. the Secured Creditor and the Auction Purchaser are unable to proceed further in the matter.

4. It is brought to our notice that the very basis of the impugned order is taken away by a recent development. On 06.02.2026 the NCLT, Mumbai dismissed the pending Company Petition under Section 95 of the IBC. It is obvious that with the dismissal of the said Petition, the moratorium itself has ceased to operate.

5. On this short ground, we set aside the impugned order passed by DRT-II.

6. Consequently the Petitioner, Secured Creditor (in Writ Petition No. 12492 of 2025) is at liberty to proceed further in accordance with law.

7. Both the Writ Petitions stand disposed of in above terms.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)