

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7157 OF 2026**

Dhananjay Krishnanath Gaikwad	...	Petitioner
vs.		
Gaurav Ashok Adukia and others	...	Respondents

Mr. Partho Sarkar a/w. Mr. Aditya Chattopadhyay, i/b. Vidhi Legal for petitioner.

None for respondents.

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

DATE : 12th JUNE, 2026

P.C. :

. Heard learned counsel for the petitioner.

2. The petitioner is one of the erstwhile directors of the corporate debtor and he has filed this petition, invoking Article 226 of the Constitution of India, to challenge the order dated 13.02.2026 passed by the National Company Law Tribunal, Mumbai (NCLT) and judgement and order dated 17.04.2026 passed by the National Company Law Appellate Tribunal (NCLAT).

3. Considering the contentions raised in the writ petition, we put a specific query to the learned counsel for the petitioner as to why should this writ petition be entertained, when statutory remedy is available to the petitioner, in the form of filing an appeal under Section 62 of the Insolvency and Bankruptcy Code, 2016 (IBC), to approach the Hon'ble Supreme Court. In response, the learned counsel for the petitioner submitted that since the petitioner is not

challenging the findings rendered by the NCLT and NCLAT and a challenge is being raised only to the 'process' by which such findings were rendered, this Court ought to entertain the present writ petition.

4. In that context, attention of this Court was invited to the contents of the writ petition, including specific portions dedicated to 'adjudicatory process impairment'. By referring to the said portions of the writ petition, it was alleged that in the light of the law laid down by the Supreme Court as well as this Court in various judgements, a case is clearly made out for maintaining the present petition before this Court, under Article 226 of the Constitution of India.

5. It was submitted that merely because statutory alternative remedy is available to the petitioner, the same would not prevent this Court from exercising writ jurisdiction for examining specific contentions being raised in this petition. The approach adopted by NCLT and NCLAT was attacked principally on the ground that crucial issues and contentions raised, were merely referred to in the said orders. But, they were not considered and appropriate findings were not rendered.

6. Having considered the submissions made by the learned counsel for the petitioner at length, we find that the nature of submissions being raised attack the orders passed by the NCLT and NCLAT on the findings rendered therein, including interpretation of certain statutory provisions. Even if it is the case of the petitioner that the interpretation so foisted by the orders passed by the NCLT and NCLAT, could be said to be wrong, that in itself cannot be a ground to invoke Article 226 of the Constitution, in the face of the

statutory alternative efficacious remedy to approach the Hon'ble Supreme Court by filing an appeal under Section 62 of the IBC. In such a substantive appeal that can be filed before the Supreme Court, the petitioner can certainly raise all the grounds available to challenge the said orders passed by the NCLT and NCLAT.

7. We are of the opinion that the petitioner has failed to make out an extraordinary case for this Court to invoke Article 226 of the Constitution of India, to entertain the present petition.

8. In view of the above, the writ petition is dismissed. Pending applications, if any, also stand disposed of.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)

Priya Kambli