
IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL SUTT NO.16 OF 2024

Bairagra Builders Pvt. Ltd.

....Plaintiff

Versus

Encore Asset Reconstruction

Company Pvt. Ltd. & Ors.

....Defendants

Mr. Ryan D'souza a/w. *Dhrupad Vaghani, Gayatri Mohite, Ashwath Reddy i/b. Anchorstone Legal, for Plaintiff.*

Mr. Prajakt M. Arjunwadkar (VC) a/w. *Omkar Shinde, Jui Gharat & P.S. Hande, for Defendant No.2.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : JANUARY 12, 2026

ORDER :

1. Liberty to file *Vakalatnama* since there is a change of advocate.
2. On the last occasion, the matter had been stood over to enable the Advocate for the Plaintiff to take instructions from the Resolution Professional ("**RP**") as to whether it was serious about pursuing this Suit, with particular regard to the fact that it was the assignee of the loan, the assignment of which is under challenge in this suit, had moved the Adjudicating Authority under the Insolvency and Bankruptcy Code, 2016 ("**IBC**") leading to the appointment of the RP.

3. Today, Learned Counsel for the Plaintiff submits that he has instructions to withdraw the Suit and draws attention to the contents of Paragraph 27 of the Order of the National Company Law Appellate Tribunal (“**NCLAT**”) dated April 30, 2024, by which the admission of the Plaintiff into Corporate Insolvency Resolution Process (“**CIRP**”) was upheld. It is also stated that this decision of the NCLAT was further challenged before the Supreme Court and the Civil Appeal was dismissed as withdrawn.

4. In these circumstances, taking on record the submission under instructions from the RP, the Suit is *disposed of* as *withdrawn*.

5. Refund of Court Fees, if any, in accordance with the Rules.

6. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court’s website.

[**SOMASEKHAR SUNDARESAN, J.**]