

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**INTERIM APPLICATION NO. 3092 OF 2025
IN
COMMERCIAL EXECUTION APPLICATION NO. 60 OF 2025**

Gurdev Singh Sehra and Ors. ...Applicants
Vs.
Parthesh K. L. Developers and Anr. ...Respondents
WITH
INTERIM APPLICATION NO. 3648 OF 2025

Mr. Anand Pai with Mr. Sahil Sayyed and Mr Hubab Sayyed i/b Sayyed Associates for the Judgment Creditor and Applicant in IA 3092/25.
Mr. Steve Fernandes i/b Mr. Dilip Shukla for the Respodnents.

CORAM : ABHAY AHUJA, J.
DATE : 18th APRIL, 2026

PC. :

Interim Application No. 3648 of 2025

1. When the matter is called out, Mr. Pai, learned Counsel appearing for the Execution Applicant submits that this Interim Application will have to be dismissed in as much as there is no proceeding pending in the NCLT under Section 95 Insolvency and Bankruptcy Code, 2016 (the “IBC”) or any other provisions and the Interim Applicant cannot claim an interim statutory moratorium under Section 96(1)(a) of the IBC. In support, Mr. Pai tenders across the bar a printout of case details as on today at 10.25 am, which indicates the case stage as “under refiling” but not that any application has been filed. Mr. Pai submits that earlier the Application filed against the

Interim Applicant had been rejected for non removal of the defects, which is not disputed by the learned Counsel appearing for the Interim Applicant.

2. Accordingly, having heard the learned Counsel and having considered the submissions, the Interim Application No. 3648 of 2025 is dismissed as there is no proceeding entitling the Interim Applicant for a stay on execution on the ground of a statutory moratorium due to any pending proceeding before the NCLT. However, the statement made on behalf of the Respondents on 7th July, 2025 in Interim Application No. 3648 of 2025 to continue for a period of four weeks.

3. Mr. Pai further submits that since disclosures have been filed by the partners of the Judgment Debtors, the Interim Application No. 3092 of 2025 can also be disposed of with a direction to the department to proceed with the Execution Application.

4. There is no objection to the said submission by the learned Counsel appearing for the Judgment Debtors.

5. Accordingly, the Interim Application No. 3092 of 2025 also stands disposed.

6. The execution to now proceed in accordance with law.

(ABHAY AHUJA, J.)