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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL SUIT NO. 347 OF 2016
WITH
INTERIM APPLICATION NO. 5560 OF 2025
WITH
INTERIM APPLICATION NO. 7390 OF 2025**

Gorlas Infrastructure Pvt Ltd and Ors ...Plaintiffs/Applicants

vs.

Parekh Aluminex Ltd

... Defendant

Mr. Parag Kabadi, Ms. Drishti Gudhaka i/b. DSK Legal for
Appellant.

Mr. Rakesh Gupta for Liquidator for Defendant.

CORAM : GAURI GODSE, J.

DATED : 30th MARCH 2026

ORDER:

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1. This application is filed by the plaintiff to bring on record the liquidator of the defendant. The proposed amendment is stated in the schedule annexed to the application. The liquidator is represented through an advocate who has filed an affidavit stating that the application under Section 54 of the Insolvency and

Bankruptcy Code, 2016 ('IBC') has been filed by him before the National Company Law Tribunal ('NCLT'), seeking dissolution of the defendant. He submits that the application is still pending and the next date is 5th June 2026. He therefore submits that no purpose would be served by substituting the name of the liquidator as prayed by the plaintiff.

2. Learned counsel for the plaintiff submits that even on the last date, a similar request was made. However, till date, no final order is passed by the NCLT. He therefore submits that there is no impediment to allow the application once the moratorium declared under Section 14 of the IBC has ceased to operate.

3. I have perused the application filed by the liquidator. In view of Section 35(1)(k) of the IBC, the liquidator shall have the powers and duties to institute or defend any suit on behalf of the defendant (corporate debtor). Hence, the application cannot be kept pending indefinitely. In the event, any final order is passed by NCLT in the application under Section 54 of the IBC, appropriate order can be passed in the suit.

4. For the reasons stated in the application, it is allowed in terms of the prayer clause (a). Amendment to be carried out within two weeks. Amended copy of the plaint shall be served upon the learned

advocate for the liquidator.

5. Since, the amendment application and the proposed scheduled of the amendment are already verified, reverification of the plaint is dispensed with.

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6. Learned counsel for the applicant seeks leave to withdraw this application.

7. Leave granted.

8. Interim Application is disposed of as withdrawn.

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9. Stand over to 21st April 2026.

(GAURI GODSE, J.)