

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

COMMERCIAL SUIT NO. 1401 OF 2018

YATIN STEELS INDIA PVT. LTD.)... PLAINTIFF
V/s.

DEEP STAR ALLOYS AND STEELS PVT. LTD.)... DEFENDANT
WITH
INTERIM APPLICATION NO. 7802 OF 2025
IN
COMMERCIAL SUIT NO. 1401 OF 2018

Ms.Chaula Solanki a/w. Mr.H.H.Nagi, Mr.Niranjana Pradhan, Mr.Dev Shah, Ms.Omna Shinde, Ms.Supriya Mishra, Ms.Priyadarshini Chedda i/by Nagi & Associates, Advocate for the Applicant in IA/7802/2025.
None for the Defendant.

CORAM : ABHAY AHUJA, J.

DATE : 16th April 2026

P.C. :

INTERIM APPLICATION NO. 7802 OF 2025

1. Ms.Solanki, learned Counsel, appears for the Interim Applicant and submits that the Interim Application has been served upon the Defendant and an appropriate Affidavit of service has also been filed, which is confirmed by the learned Court Associate. Ms.Solanki submits that, accordingly, the Interim Application be allowed, as the Interim Applicant is the successful Resolution Applicant as approved by the National Company Law Tribunal (NCLT).

2. None appears for the Defendant - Resolution Professional, despite service.

3. It is observed from the application and also as submitted by Ms.Solanki appearing for the Applicant that the Plaintiff underwent CIRP and pursuant to the insolvency proceedings and an auction thereupon for sale of assets of the Plaintiff on an 'as is where is', 'as is what is' and 'whatever there is basis', the Applicant participated and the auction was culminated on 10th March 2025 after which the Applicant has acquired the Plaintiff as a going concern along with its assets and certain rights, including the right to recoveries under litigation in accordance with the Certificate of Sale dated 1st April 2025.

4. Ms.Solanki submits that since there was lack of information regarding the pending cases, there has been some delay in making this application. That, since the Applicant has acquired the business undertaking and assets of the Plaintiff as a successful Resolution Applicant, the Applicant has become a lawful successor to all litigation rights previously vested in the Plaintiff and entitled to continue and prosecute the Suit. That, therefore, this Court may allow the application.

5. Having heard the learned Counsel and having considered the submissions and having perused the application with her assistance, the Interim Application is allowed in terms of prayer clauses (a) and (b) which read thus :

“(a) That this Hon’ble Court be pleased to allow the Interim Application filed by the Applicant and the Applicant may be permitted to carry out necessary and consequential amendments as per the schedule annexed to this application.

(b) This Hon’ble Court may be pleased to allow the Applicant to carry out consequential amendments in the pleadings as per the schedule annexed.”

6. Let the Applicant be substituted in place of the Plaintiff and let the consequential amendments be carried out within a period of four weeks and the amended proceedings be served upon the Defendant in two weeks thereafter and an appropriate Affidavit of service be filed.

7. The Interim Application accordingly stands allowed and disposed as above.

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8. List the Suit on **2nd July 2026**.

(ABHAY AHUJA, J.)