

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.2789 OF 2024

M/s Fire Arcor Infrastructure Pvt. Ltd. Vs. Mr. Avinash K. Chaurasia and another
WITH

WRIT PETITION NO.4742 OF 2019

M/s Fire Arcor Infrastructure Pvt. Ltd. Vs. Mr. Avinash K. Chaurasia and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri Shyam Dewani, Advocate for petitioner.
Shri Avinash K. Chaurasia, Party in-person/Respondents.

CORAM : M.W. CHANDWANI, J.

DATE : 05.02.2026.

CAW 3028/2025

1. On oral motion, permission to argue in-person is granted to the respondent no.1 for himself and on behalf of respondent no.2.

2. By this application, the present respondent no.1 i.e. applicant therein who appeared as party in-person thereby has prayed as under :

“(a) treats this complaint as a grave assault on the justice-delivery system; and direct Petitioner to disclose all relevant and even irrelevant details to ascertain its right to sue and present itself before this Hon’ble Court, disclose source of funds for acquiring 51% stake in the company in the light of earlier NCLT application rejected for 40% share buyback with Rs.35 Crore borrowings in 2021, produce all documents, agreements detailing knowledge and

liability for new investors coming in through Arcor Infavenuture, source of fund with which 13.6% (minus 2.6%) share buyback happened in a cash starved company.

(b) direct an immediate preliminary enquiry through the Registrar (Judicial) under the supervision of this Hon'ble Court for evaluating in detail various fraud done beyond these few documents and present petitions;

(c) orders a complete forensic and digital audit of all pleadings and appearances in the twelve connected matters to ascertain the true identity of the entity/petitioner;

(d) passes exemplary orders to purge this Honourable Court of the menace of impersonation, suppression of material facts, and fraud once and for all.

(e) Grant / mould suitable relief due to legal disability of Party in person in drafting this application and affected victim saddled with illegally constructed home which is fit for demolition.”

3. The respondent no.1 submitted that the shareholding pattern of petitioner no.1 – Company has been changed and therefore, the Company cannot use the name Fire Arcor Infrastructure Private Limited. According to him, the Director has to unveil the curtain and therefore the directions were sought by him directing the Company to disclose its right to sue in the present name; more particularly when the source of fund has been changed. He has also sought direction for immediate preliminary enquiry

for identifying various fraud done based on these documents and beyond and for also conducting forensic and internal audit to ascertain the true identity of Company.

4. I have perused both writ petitions and on perusal of both the petitions, it appears as follows:

In Writ Petition No.2789/2024, the order dated 07.03.2024 on Exh.1 passed by the 5th Joint Civil Judge, Senior Division, Nagpur, is challenged wherein the application filed by the Company for taking action against respondent nos.1 and 2 for disobeying the injunction order passed in Special Civil Suit no.113/2019 was rejected.

Whereas, in Writ Petition No.4742/2019, the order dated 12.06.2019 passed by the 9th Joint Civil Judge, Senior Division, Nagpur, below Exh.46, 55 and 56 is challenged. In the common order below Exh.55 and 56, the application filed by respondent nos.1 and 2 was accepted and it was held that the Company has no right of hearing towards the allegations of perjury made against it by the respondent nos.1 and 2. Further, the order below Exh.46, pertains to an application filed by respondent nos.1 and 2 seeking initiation of inquiry under Section 340 read with Section 195 of the Code of Criminal Procedure, 1973; wherein the application Exh.46 alongwith accompanying documents were directed to be registered as a separate miscellaneous civil proceeding.

5. The above orders have been challenged by the Company in the above writ petitions and by filing this application, the applicant is challenging the *locus* of the Company to file these petitions mainly on the ground that the shareholding pattern of the Company has been changed and the source of income has also changed and sought direction from this Court to the Company to disclose relevant and irrelevant details to ascertain its right to sue and preliminary enquiry in this regard.

6. Since, the impugned orders have been passed against the Company, in the suit filed by the said Company and they are under challenge in the above writ petitions, the Company can very well challenge the orders, if it is aggrieved, more particularly, when the name of the Company is not changed.

7. In these circumstances, the directions sought by respondent no.1 cannot be granted by enlarging the scope of writ petition more particularly when the impugned orders have been passed against the same Company having same name. Therefore, the application is devoid of merits and same stands rejected.

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8. Respondent nos.1 and 2 seek permission to file written note of arguments in writing.

9. Permission to file written note of arguments on merits of both the writ petitions is granted.
10. Stand over to **25.02.2026**.

(M.W. Chandwani, J.)

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