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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ O.M.P. (COMM) 362/2019 & I.A. 12464/2019

BHASIN INFOTECH AND INFRASTRUCTURE PVT LTD.
.....Petitioner

Through: Ms. Neeha Nagpal, Mr. Malak Bhatt and Mr. Nikunj Mahajan, Advs.
Mob: 9899465451
Email: nikunj@nmlawchambers.in
Mr. Abhishek Anand, Mr. Karan Kohli and Ms. Ananya Gupta, Advs. for IRP (Through VC)

versus

RAJEEV JAIN AND SONS (HUF) .....Respondent

Through: Mr. Dhruv Chawla, Advocate
Mob: 9971897143
Email: dhruvchawla1@gmail.com

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\+ OMP (ENF.) (COMM.) 244/2024, EX.APPL.(OS) 1777/2024 & EX.APPL.(OS) 1778/2024

M/S RAJEEV JAIN AND SONS HUF .....Decree Holder

Through: Mr. Dhruv Chawla, Adv.
Mob: 9971897143
Email: dhruvchawla1@gmail.com

versus

M/S BHASIN INFOTECH AND INFRASTRUCTURE PVT LTD.
.....Judgement Debtor

Through: Ms. Neeha Nagpal, Mr. Malak Bhatt and Mr. Nikunj Mahajan, Advs.
Mob: 9899465451
Email: nikunj@nmlawchambers.in

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

<u>O R D E R</u>

% **20.03.2026**

1. When the present matter was listed on the last of hearing, i.e., 29th January, 2026, this Court had passed the order, in the following manner:

> *"1. This Court notes that the petitioner is undergoing Corporate Insolvency Resolution Process ("CIRP") proceedings. Pursuant to notice issued by this Court, learned counsel appearing for the Interim Resolution Professional ("IRP") is present in Court.*
>
> *2. Learned counsel appearing for the respondent relies upon the order dated 04th July, 2025, passed by this Court in O.M.P. (COMM) 231/2025, titled as "Ansal Properties and Infrastructure Limited Versus Vistra ITCL (India) Limited", wherein, it has been held that when the CIRP proceedings are pending, a petition by a Corporate Debtor under Section 34 of the Arbitration and Conciliation Act, 1996 is also not maintainable.*
>
> *3. Learned counsel appearing for the petitioner has also handed over to this Court a copy of an order dated 08th December, 2025, passed by Supreme Court in SLP(C) 31381/2025, titled as "Ansal Properties and Infrastructure Limited Versus Vistra ITCL (India) Limited", wherein, the petition before the Supreme Court filed by the petitioner in O.M.P. (COMM) 231/2025, was dismissed.*
>
> *4. Though this Court was inclined to dispose of the present petitions in view of the afore-noted submissions, learned counsel appearing for the petitioner Company through the suspended Board Directors, has handed over to this Court a copy of an order dated 09th January, 2026, passed in Civil Appeal No. 13628/2025, titled as "Satinder Singh Bhasin Versus Col Gautam Mullick and Ors.". By referring to the aforesaid, learned counsel appearing for the petitioner through the suspended Board Directors submits that the CIRP proceedings were challenged by the petitioner before the Supreme Court, and the judgment therein has been reserved by way of the said order.*
>
> *5. He, thus, submits that, in case, the judgment is in favour of the petitioner and the CIRP proceedings are quashed by the Supreme Court, the present petitions can continue.*
>
> *6. In the meanwhile, the petitioner/judgment debtor in OMP (ENF.) (COMM.) 244/2024, shall comply with the directions as given in the*

order dated 02nd December, 2024 passed in O.M.P. (ENF.) (COMM) 244/2024.

7. Accordingly, re-notify on 20th March, 2026.”

2. Accordingly, with regard to the submission recorded on the last date of hearing, learned counsels appearing for the parties submit that *vide* judgment dated 02nd February, 2026, in the case titled as *“Satinder Singh Bhasin Versus Col. Gautam Mullick & Ors.”*, in *Civil Appeal No. 13628/2025*, the Supreme Court has dismissed the appeal filed by the petitioner and has upheld the order of the National Company Law Tribunal (“NCLT”), in initiating Corporate Insolvency Resolution Process (“CIRP”), under Section 7 of the Insolvency and Bankruptcy Code, 2016.

3. Thus, it is clear that the petitioner herein is undergoing CIRP.

4. This Court takes note of the order dated 04th July, 2025, passed in *O.M.P.(COMM) 231/2025*, titled as *“Ansal Properties and Infrastructure Limited Versus Vistra ITCL (India) Limited”*, wherein, it has been held as follows:

> *“xxx xxx xxx*
>
> *3. **At the outset, Mr. Kumar, learned counsel for the respondent raises an objection to the maintainability of the petition on the ground that the petitioner is under CIRP**.*
>
> *4. **The Hon’ble Supreme Court in P. Mohanraj v. Shah Bros. Ispat (P)Ltd., (2021) 6 SCC 258 and more particularly in para 97 observed as under**:-*
>
>> *“97. Shri Mehta then relied upon Power Grid Corpn. of India Ltd. v. Jyoti Structures Ltd. [Power Grid Corpn. of India Ltd. v. Jyoti Structures Ltd., 2017 SCC OnLine Del 12189 : (2018) 246 DLT 485], in which the Delhi High Court held that a Section 34 application to set aside an award under the Arbitration and Conciliation Act, 1996 would not be covered by Section 14 IBC. This judgment does not state the law correctly as it is clear that a Section 34 proceeding is certainly a proceeding against the corporate debtor which may result in an*

*arbitral award against the corporate debtor being upheld, as a result of which, monies would then be payable by the corporate debtor. **<u>A Section 34 proceeding is a proceeding against the corporate debtor in a court of law pertaining to a challenge to an arbitral award and would be covered just as an appellate proceeding in a decree from a suit would be covered</u>**. This judgment does not, therefore, state the law correctly."*

*5. **<u>On perusal, the Hon'ble Supreme Court clearly observed that a petition under section 34 effects the corporate-debtor and would result in monies payable by the corporate-debtor</u>**.*

*6. **<u>The logic behind the judgment of the Hon'ble Supreme Court seems to be that the interest of the corporate-debtor as well as the award-holder should be protected and the resolution plan must be taken to its logical conclusion</u>**.*

*7. **<u>In view of the clear mandate of the Hon'ble Supreme Court in P. Mohanraj (supra), I am of the view that the present petition is not maintainable at this stage when the petitioner is under CIRP</u>**.*

8. As and when the CIRP proceedings are finalized, the petitioner will be entitled to avail its remedy in accordance with law.

9. The anxiety of the petitioner regarding inflexible timing of section 34 of the Arbitration and Conciliation Act, 1996, to my mind, is adequately answered by Section 60 (6) of the Insolvency and Bankruptcy Code, 2016 which reads as under:

"60. Adjudicating authority for corporate persons-
(1)
(2)
(3)
(4)
(5)
(6) Notwithstanding anything contained in the Limitation Act, 1963 (36 of 1963) or in any other law for the time being in force, in computing the period of limitation specified for any suit or application by or against a corporate debtor for which an order of moratorium has been made under this Part, the period during which such moratorium is in place shall be excluded."

*10. **<u>A perusal of the same clearly shows that the time during which the corporate-debtor is under moratorium is to be excluded for the purposes of Limitation Act and any other law, which to my mind would also apply to section 34 of the Arbitration and Conciliation</u>***

__Act, 1996__.

xxx xxx xxx"

(Emphasis Supplied)

5. It is to be noted that the aforesaid order dated 04th July, 2025, passed in *O.M.P.(COMM) 231/2025,* has been upheld by the Supreme Court *vide* its order dated 08th December, 2025, in ***SLP (C) No. 31381/2025***, titled as ***Ansal Properties and Infrastructure Limited Versus Vistra ITCL (India) Limited.***

6. Considering the aforesaid, it is clear that when CIRP proceedings are pending, a petition by a corporate debtor under Section 34 of the Arbitration and Conciliation Act, 1996 ("Arbitration Act"), is not maintainable.

7. Accordingly, *O.M.P. (COMM) 362/2019*, is disposed of noting the aforesaid, along with pending applications.

8. *OMP (ENF.) (COMM.) 244/2024* has been filed by the decree holder for enforcement of the Award dated 27th April, 2019.

9. Since, company of the judgment debtor is under CIRP and an Interim Resolution Professional ("IRP") already stands notified for judgment debtor-Company, the decree holder is granted liberty to make their claims before the IRP.

10. Accordingly, noting the aforesaid *OMP (ENF.) (COMM.) 244/2024* is also disposed of.

11. Pending applications are also disposed of.

MINI PUSHKARNA, J

MARCH 20, 2026/SK