

Rachna Mehra And 6 Others vs State Of U.P. And 3 Others on 31 January, 2025

Author: Manoj Kumar Gupta

Bench: Manoj Kumar Gupta

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:14135-DB

Court No. - 21

Case :- WRIT - C No. - 35974 of 2024

Petitioner :- Rachna Mehra And 6 Others

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Ravi Kant,Vatsala

Counsel for Respondent :- Ankit Prakash,C.S.C.,Mohd. Afzal

Hon'ble Manoj Kumar Gupta,J.

Hon'ble Anish Kumar Gupta,J.

1. Ms. Vatsala, learned counsel for the petitioners, submits that the instant matter is covered by order dated 9.1.2025 passed in a batch of petitions by a Co-ordinate Division Bench. In the said batch of petitions, the leading one is Writ - C No. 38488 of 2024 (Mrs Manju Rakesh vs. State of U.P. and 2 Others). She submits that the instant petition be also disposed of in same terms.

2. In the aforesaid batch of petitions, like in the instant case, the petitioners had challenged orders passed by U.P. RERA to the extent it directed refund of the allotment money. The minutes of the meeting of COC dated 30.8.2024 and 27.9.2024 were also challenged. The Bench noted that the petitioners, who were home buyers, have submitted their claims before the Resolution Professional

as financial creditors and it consequently disposed of the petitions as follows: -

"16. In view of the aforesaid legal position, we are of the opinion that the Insolvency and Bankruptcy Code, being a complete Code in itself, with sufficient checks and balances remedial avenues and appeals, any interference by the High Court in exercise of its extraordinary powers under Article 226 of the Constitution, which may have the effect interdicting the CIRP, would not be permissible as a matter of course.

17. Having regard to the aforesaid and in particular, taking note of the fact that the petitioners have already filed their claims in the pending CIRP proceedings, we are not inclined to entertain the writ petitions, in respect of the reliefs sought, at this stage.

18. It would be open to the petitioners to seek appropriate legal remedies as may be available under the law.

19. The writ petitions are, accordingly, disposed of."

3. Sri Saurabh Kumar Srivastava, Advocate, holding brief of Sri Ankit Prakash, learned counsel for U.P. RERA and Sri Rohan Gupta, learned counsel appearing for respondent no. 3, also submitted that the same order may be passed in the instant case.

4. Accordingly, the instant petition also stands disposed of in terms of the order quoted above in Writ - C No. 38488 of 2024 and other connected matters.

(Anish Kumar Gupta, J.) (Manoj Kumar Gupta, J.) Order Date :- 31.1.2025 Jaideep/-