



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

WRIT PETITION NO. 915 OF 2023

Darshan Lalit Gandhi ... Petitioner.

versus

Union of India and others. ... Respondents.

.....

Ms. Shruti Sardesai i/b. Mr. Munir Merchant for the Petitioner.

Mr. M.S.Bhardwaj with Mr.Udyan Shah and Ms. Anamika Malhotra
for Respondent Nos.1 and 5.

Mr. P.B.A. Srinivasan for Respondent No.3.

Mr. Nishit Dhruva with Ms. Niyati Merchant and Mr. Harsh Sheth
i/b. MDP & Partners for Respondent No.6.

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CORAM : NITIN JAMDAR &
ABHAY AHUJA, JJ.

DATE : 4 MAY 2023

P.C.:

On 13 April 2023, the following order was passed :

*“On 27 March 2023, we have passed the
following order:*

*“ Before we proceed to examine the matter
further, we note that the Petitioner has filed*

interlocutory application no. 33 of 2021 seeking the identical reliefs which are sought in the Petition. Learned Senior Advocate for the Petitioner states that if this application is granted, most of the reliefs sought for in this petition will stand worked out.

2 Learned counsel for the Respondents seeks time.

3 Hearing of this Petition is deferred to 13 April 2023. By then we expect that Respondent No.5-National Company Law Tribunal ("NCLT") would take up the interlocutory application for consideration.

4 In the meanwhile, Petitioner will give notice to the Respondents and file affidavit of service."

2. We are informed that National Company Law Tribunal (NCLT) has placed the application on board on 3 May 2023. The learned counsel for the Respondents, who appears on notice, states that the Petitioner has not made a specific application requesting the Tribunal for early hearing. We were not aware of this fact when we made observation in the order, however, since the application is fixed by the NCLT on 3 May 2023 and the learned counsel who are before us state that they are ready to go on with application, we defer the hearing of this petition till 4 May 2023 awaiting the outcome of the application. Learned counsel for the Petitioner states that a request in writing would be placed on record of the NCLT for early hearing of the application".

2. The learned Counsel for the Petitioner states that National Company Law Tribunal (NCLT) has now fixed the matter on 15 June 2023 and prays that this petition be adjourned to 15 June 2023. The learned Counsel appearing for the respective Respondents oppose the prayer submitting that when the entire proceedings are pending in NCLT and there is an interim order in Petitioner's favour, this Court should not monitor the proceeding before NCLT. They have placed on record the order passed by NCLT for circumstances in which the order is passed adjourning the matter to 15 June 2023.

3. We have perused the order. NCLT has recorded that the Advocate for the Petitioner himself had no idea as to why the Petitioner had approached the High Court. Once the entire issue is pending before NCLT and we had made certain observations including liberty to the Petitioner to file an application for an early hearing, we do not deem it appropriate to keep monitoring the proceedings before NCLT which is the Court of competent jurisdiction. Once NCLT has taken up the proceedings for consideration, we have no doubt that it will proceed to conclude the same giving it priority if it deserves, subject to workload before NCLT.

4. The writ petition is accordingly disposed of.

ABHAY AHUJA, J.

NITIN JAMDAR, J.