



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 13580 OF 2026

Pravin R Navandar .. Petitioner

V/S.

State of Maharashtra through .. Respondent
Ministry of Home Affairs Govt. of
Maharashtra

Mr. Janak Dwarakadas, Senior Counsel with Rishabh Jaisani Kalyani and Ansh Kumar i/by Shardul Amarchand Mangaldas, for Petitioner.

Mr. Prashant Kamble, AGP, for Respondent Nos. 1 to 5/State.

Mr. Venkatesh Dhond, Senior Counsel with Vishnu Shriram, A. Ramiah and Sushil Kapoor, for respondent No. 6.

Mr. Amit Patil with Aaditya Nikam i/by APLC, for the suspended board of directors of the Corporate Debtors.

Mr. Pravin Prabhu, API, present in Court.

**CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ.**

DATE : 28TH APRIL 2026.

PC:

1. Heard the learned Senior Counsel for the petitioner.
2. The petitioner is the erstwhile resolution professional and now member of the monitoring committee who has been authorised to file this Writ Petition. The petitioner has raised a grievance that despite the resolution plan being approved and repeated orders being passed by the National Company Law Tribunal, Mumbai (NCLT), the possession

of the immovable property of the corporate debtor could not be taken because of the obstructionist attitude adopted by the suspended Directors of the corporate debtor.

3. We find from the records that as many as five orders have been passed by the NCLT, the latest order being an order dated 16/03/2026, whereby the NCLT has issued positive directions to the concerned authorities for taking physical possession of the said property located in Juhu, Mumbai. It comes within the jurisdiction of the Juhu Police Station, which is represented by its Senior Inspector as respondent No.5 in the present Writ Petition.

4. The operative portion of the order dated 16/03/2026, concerning the said proposed action of taking physical possession of the property reads as follows :

"9. *In that view of the matter, we pass the following orders:*

i) Deputy Commissioner of Police (concerned zone) under which the property is situated i.e. Juhu, Mumbai-400 049, and the Senior Inspector, Juhu Police Station, Mumbai, to forthwith take necessary and reasonable measures to assist the applicant and their team to take vacant and peaceful possession and control of the premises and assets of the Corporate Debtor, including the Juhu Property situated at 37, Juhu Beach, Mumbai-400049, forthwith.

ii) Deputy Commissioner of Police (concerned zone) under which the property is situated i.e. Juhu, Mumbai-400 049 shall direct his sub-ordinates, (i.e. jurisdictional Police officer in charge by whatever name designated and jurisdictional Senior

*Inspector of the local police station to **provide police protection and assistance** to the Applicant, at the time of taking physical possession of the premises, to ensure that the handover is done smoothly and to prevent any breach of peace or law and order issues during the process.*

iii) Commissioner of Police, Mumbai is requested to issue necessary directions and instructions to his sub-ordinates for the compliance of said order.

iv) The Applicant shall serve a copy of this Order upon the Commissioner of Police, Mumbai and the Deputy Commissioner of Police (concerned zone) under which the property is situated i.e. Juhu, Mumbai-400 049, and the Senior Inspector, Juhu Police Station, Mumbai, for their compliance.

v) The Registry shall issue Certified copy of this Order to the Parties."

5. We also find from the records that the said order of the NCLT is made subject matter of challenge at the behest of the suspended Director of the corporate debtor by filing an appeal before the National Company Law Appellate Tribunal, New Delhi (NCLAT). By order dated 24/03/2026, the NCLAT has observed as follows:

"24.03.2026: These two appeals have been filed against same order dated 16.03.2026 in I.A. No. 1065 of 2026 and I.A. No. 1064 of 2026. The Adjudicating Authority by the order in I.A. No. 1065 of 2026 has directed the Police Authorities to take the possession of the assets and handover to the Corporate Debtor. In I.A. No. 1064 of 2026, the

Adjudicating Authority has extended the period for implementation of the plan for 45 days from 23.03.2026.

It is submitted that various appeals have already been filed by the Appellant challenging other orders of the Adjudicating Authority, which are at different stages and fixed for 10.04.2026 and this Tribunal has also passed an interim order in those appeals.

Let these two appeals be also listed along with Company Appeal (AT) (Ins.) No. 1126 of 2025 on 10.04.2026.

We make it clear that in these two appeals we are not passing any interim order staying the impugned order."

6. It is, therefore, evident that the NCLAT has not passed any interim order staying the aforesaid directions issued by the NCLT to the concerned authorities for taking physical possession of the subject property.

7. Thereupon, the petitioner representing the monitoring committee had sent a communication on 25/03/2026 to the Commissioner of Police, Mumbai, Deputy Commissioner of Police, Mumbai, as also the Senior Inspector of Juhu Police Station with a request for assistance and cooperation for taking physical possession of the subject property in terms of the repeated orders passed by the NCLT.

8. It is specifically stated in the Writ Petition that a meeting was held with the Deputy Commissioner of Police, Crawford Market, Police Headquarters on 02/04/2026 and orders passed by the NCLT were brought to the notice of said authority. But, till date no action has been

taken.

9. Respondent -State Authorities are represented by learned AGP who submits, on instructions, that appropriate police assistance would be provided by the Juhu Police Station in the context of the grievance raised by the petitioner.

10. Learned Senior Counsel appearing for respondent No.6 submits that there is a grave urgency in the matter as the execution of the resolution plan has been extended on a second occasion upto 7th May 2026 and an amount of Rs. 919 Crores is to be brought in as per the resolution plan.

11. Although suspended Directors of the corporate debtor are not made parties to this petition, learned counsel representing them has joined the proceedings through Video Conferencing. He raised an objection that the petitioner should have first approached the jurisdictional Magistrate as per Section 429 of the Companies Act, 2013 asserting that the NCLT can take the assistance of the Magistrate and thereupon appropriate action can be taken by the Magistrate/ District Collector.

12. It is submitted that the aforesaid provision has been bypassed and the petitioner has directly approached the writ Court seeking such directions, which ought not to be granted.

13. We are not impressed with the submission made on behalf of the suspended Directors of corporate debtor. Prima facie, we find that the said suspended Directors are indulging in obstructionist activities so as to frustrate the resolution plan, despite the fact that the corporate

Insolvency Resolution Process was initiated as far back as 19/11/2024. There is enough material on record to indicate that since then the suspended Directors of the corporate debtor have been taking steps to frustrate the resolution process and the implementation of the resolution plan.

14. We also find that Section 429 of the Companies Act, 2013, cannot be a bar for the writ Court to exercise power in appropriate cases to ensure that the State authorities abide by the directions of the Tribunal like the NCLT. The record shows that as many as five orders have been passed and yet physical possession of the subject property could not be taken due to lack of assistance from the State authorities.

15. In view of the above, while keeping the Writ Petition pending, the following directions are issued:

- a) The petitioner and respondent No.6 shall take physical possession of the subject property in terms of the orders passed by NCLT on 30/04/2026.
- b) Respondent No.5, Inspector of Juhu Police Station, shall provide adequate police assistance to the petitioner and respondent No.6 in order to execute the aforesaid direction granted by this Court, including providing lady constables.
- c) The police shall use reasonable, appropriate and necessary force for taking physical possession of the subject property so as to hand it over to respondent No.6 on the very same day.

d) Respondent No.6 at its own costs shall ensure that the aforesaid exercise of taking possession is video-graphed and a record of the same is kept for future reference.

16. List the petition under the caption 'for compliance' on 5th May 2026.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)