

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

Pravin R. Navandar ... Petitioner

vs.

The State of Maharashtra, Through Ministry of  
Home Affairs, Govt. of Maharashtra, and others ... Respondents

**WITH  
INTERIM APPLICATION (LODGING) NO. 16519 OF 2026  
IN  
WRIT PETITION (LODGING) NO. 13580 OF 2026**

Mr. Janak Dwarkadas, Senior Advocate, a/w. Mr. Rishabh Jaisani, Ms. Kriti Kalyani and Mr. Ansh Kumar, i/b. Shardul Amarchand Mangaldas & Co. for petitioner.

Mr. Prashant Kamble, AGP for respondent Nos.1 to 5 – State authorities.

Mr. Venkatesh Dhond, Senior Advocate, a/w. Mr. Vishnu Shriram, Ms. Srishti Kapoor and Ms. Karishma Rao for respondent No.6 – SRA.

Mr. Amit Patil a/w. Mr. Aaditya Nikam, i/b. APLC for suspended directors of Corporate Debtors and for applicant in IAL/16519/2026.

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

**DATE : 06<sup>th</sup> MAY, 2026**

**P.C. :**

. Heard learned counsel for the parties.

2. In this petition, on 28.04.2026, this Court passed an order issuing specific directions in paragraph No.15, which read as follows:

‘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.'

3. The aforesaid order was passed in the backdrop of the difficulty faced by the petitioner i.e. Interim Manager and the erstwhile Resolution Professional of the corporate debtor, and respondent No.6 – Successful Resolution Applicant (SRA) in taking physical possession of the properties of the corporate debtor, despite specific order dated 16.03.2026 passed by National Company Law Tribunal (NCLT). On the said date i.e. on 28.04.2026, the learned counsel having instructions to appear on behalf of one of the suspended directors of the corporate debtor, made submissions. The writ petition was kept for compliance on 05.05.2026.

4. One of the suspended directors of the corporate debtor challenged the aforesaid order dated 28.04.2026, passed by this Court in the present petition, before the Supreme Court by filing Special Leave Petition (Civil) (Diary) No.26168 of 2026 (*Vishal Sharma vs. Pravin R. Navandar and others*). The SLP was taken up for consideration urgently on 30.04.2026 by the Supreme Court,

wherein the following order was passed:

‘UPON hearing the counsel the Court made the following  
ORDER

1. The learned counsel for the petitioner submits that he may be permitted to withdraw this special leave petition so that he can move appropriate application in the pending appeal before the National Company Law Tribunal.
  2. In view of the above, the petition is dismissed as withdrawn.’
5. When this petition was listed on 05.05.2026, under the caption ‘for compliance’, the learned counsel having instructions to appear on behalf of the suspended director of the corporate debtor, informed that Interim Application (Lodging) No.16519 of 2026 was filed for intervening in the present petition. The learned counsel appearing for the petitioner informed this Court that the order dated 28.04.2026 could be only partly complied with, as the suspended directors of the corporate debtor had continued with their obstructionist attitude and prevented proper compliance of the order of this Court.
6. This Court was informed that security personnel of the said suspended directors of the corporate debtor obstructed the police personnel, who were assisting the petitioners and respondent No.6 – SRA in taking physical possession of the entire property of the corporate debtor. The learned AGP confirmed the aforesaid state of affairs and submitted that while the security personnel of respondent No.6 – SRA could be placed in part of the property, the security personnel of the suspended directors of the corporate debtor, continued to remain present in other part of the property and

prevented taking possession.

7. Since the aforesaid interim application was not before this Court yesterday (05.05.2026), the same was directed to be listed today along with the writ petition. An additional affidavit with documents tendered on behalf of the petitioner, was taken on record on 05.05.2026.

8. Today when the matter was called out for consideration, the learned counsel appearing for the applicant seeking intervention i.e. one of the suspended directors of the corporate debtor, submitted that the information memorandum, which was part of the proceedings before the NCLT, identified specific property that was subject matter of the proceedings therein. This concerned CTS Nos.560, 560/3 to 560/6 at Juhu, Mumbai. It was submitted that this was the basis on which the entire proceedings before the NCLT were considered and disposed of, thereby indicating that in the absence of any correction of the information memorandum to add other CTS numbers and parts of the property at 37, Juhu, Mumbai, neither the petitioner nor respondent No.6 – SRA are entitled to seek possession beyond the said properties specifically mentioned in the information memorandum.

9. It was submitted that the applicant relies upon paragraph Nos.12 and 13 of the said interim application in support of the aforesaid submission. The contents of the said paragraphs read as follows:

- '12. The Applicant further states that the properties, CTS no. 558, 559 and CTS 561 (part) contiguous to CTS 559 are under the possession of the Applicant and his brother as acquired in early eighties by their late

father, and are adjoining to of the subject property. Conveyance of the property on CTS 559 was also acquired in early eighties itself and the same is also not the property owned by Hotel Horizon Pvt. Ltd. In view of the short time the Applicant craves leave to refer upon relevant documents when produced. Hereto annexed and marked as "Exhibit -B" is the copy of site plan of Corporate Debtor showing the subject property as given in the Information Memorandum.

13. The Applicant states that CTS no. 559 and CTS 561 (part) are contiguous with CTS 559 and the subject property all have a common ingress and egress through CTS 560 and further there is also a right of easement existing for the past over 45 to 50 years.'

10. It is submitted that in such a situation, it cannot be said that the direction issued by this Court, has not been complied with. In that context, reference was made to the applications preferred before the NCLT during the process of Corporate Insolvency Resolution Process (CIRP) and it was highlighted that at every place, reference was made only to CTS Nos.560, 560/3 to 560/6 at Juhu, Mumbai and only in the last proceeding before the NCLT, wherein specific directions were sought for taking physical possession of the property of the corporate debtor, a general reference was made to the address i.e. 37, Juhu Beach, Mumbai, concerning the corporate debtor, in order to take possession of the property beyond the property that was subject matter of the proceedings before the NCLT. It was submitted that this Court may consider granting opportunity to file reply to the writ petition, so that the entire factual position could be placed on record before this Court.

11. Mr. Dwarkadas, the learned senior counsel appearing for the petitioner submitted that the documents on record placed with the additional affidavit, completely belie the stand taken on behalf of the

suspended director of the corporate debtor i.e. the applicant seeking intervention. This was clear from the contents of an appeal filed on behalf of the very same applicant before the National Company Law Appellate Tribunal (NCLAT), wherein a specific ground was taken, asserting that the property of the corporate debtor included beach front plot at Juhu Beach, bearing CTS No.561. It was further pointed out that in the SLP filed before the Supreme Court also, it was specifically pleaded that the plot at CTS No.561, admeasuring area of 1337 sq.mtrs. with beach access, was part of the property of the corporate debtor. The said SLP was filed by the brother of the said applicant, also a suspended director of the corporate debtor.

12. It was submitted that apart from the aforesaid assertions were made on affidavit before the NCLAT and the Supreme Court, in a letter dated 06.06.2025, sent by the aforesaid applicant (suspended director of the corporate debtor) to the Resolution Professional, who is now the Interim Manager and the petitioner in the writ petition, it was specifically asserted that the plot at CTS No.561 (part) was the property of the corporate debtor.

13. It was submitted that the aforesaid assertions made on behalf of the suspended directors of the corporate debtor itself clearly show the manner in which they are continuing with their obstructionist attitude and therefore, trying to ensure that the property of the corporate debtor is not made over to respondent No.6 – SRA, in complete breach of the orders passed by the NCLT as well as this Court. In this context, reference was also made to paragraph No.20 of the order dated 12.01.2026 passed by the NCLT, wherein the aforesaid approach of the suspended directors of the corporate debtor, was commented upon, specifically in the backdrop of their

complete non-cooperation in providing information about the corporate debtor, in violation of the statutory mandate contained in Section 19 of the Insolvency and Bankruptcy Code, 2016 (IBC). On this basis, it was submitted that the contentions raised on behalf of the aforesaid applicant, deserve to be rejected and appropriate orders ought to be passed for compliance in letter and spirit of the orders passed by the NCLT as well as this Court.

14. Mr. Dhond, learned senior counsel appearing for respondent No.6 – SRA supported the aforesaid contentions raised on behalf of the petitioner. He referred to the order dated 29.01.2026 passed by the NCLT to emphasize that the said respondent had offered to take over the affairs of the corporate debtor as a running concern with all its assets and that the resolution plan was approved, specifically recording that all the assets of the corporate debtor would stand transferred to the SRA. It was submitted that in such a situation, the applicant cannot be permitted to further obstruct the lawful process of taking over of possession of the assets of corporate debtor.

15. We have considered the rival submissions. We find substance in the contention raised on behalf of the petitioner and respondent No.6 – SRA that the applicant, who is one of the suspended directors of the corporate debtor along with other such suspended directors, are continuing with their obstructionist activities, thereby seeking to frustrate the orders passed by the NCLT and this Court. We find that the aforesaid attitude also frustrates the very object of the IBC and therefore, appropriate directions deserve to be issued, so that the orders passed by the NCLT and this Court, are complied with in letter and spirit.

16. We find that the contention raised on behalf of the applicant by placing reliance on the information memorandum and harping upon specifically identified plots therein as being the only assets of the corporate debtor, is a contention that cannot be accepted. As a matter of fact, the assertions made in the above-quoted paragraph Nos.12 and 13 of the aforesaid interim application, are vague. We are of the opinion that the applicant has chosen to make such vague assertions in support of the stand taken by him, for the reason that the material brought to the notice of this Court on behalf of the petitioner clearly indicates that the applicant himself, on affidavit before the NCLAT and the Supreme Court, has taken a completely contrary stand. As a matter of fact, in the aforesaid letter dated 06.06.2025 addressed by this very applicant to the Resolution Professional, specifically asserted that CTS No.561 (part) was the property of the corporate debtor. It appears that this has been the consistent stand of the applicant in the proceedings before the NCLT, NCLAT as well as the Supreme Court.

17. The applicant has now taken a diametrically opposite stand, only with a view to obstruct compliance with the orders passed by NCLT and this Court. We find that the aforesaid approach of the applicant and the other suspended directors of the corporate debtor, was taken note of by the NCLT in its order dated 12.01.2026. Paragraph No.20 of the said order reads as follows:

‘20. It is pertinent to note that the information alleged to be missing in IM are all historical information and appears to be available with the Applicants, which for the best reasons known they did not provide to the IRP/RP after commencement of CIRP in November, 2024. Instead, the Applicants seems to have considered it appropriate the test the skill set of the IRP/RP as well as team of experts engaged by

him to discover these information from public domain. It is also pertinent to note that the Applicants, instead of supporting the resolution of Corporate Debtor on basis of true picture of its affairs, have been opposing the process itself by tooth and nail by filing multiple applications, besides appeal against the admission order, since January, 2025 itself. This had been noted by us in order dated 10<sup>th</sup> July 2025 passed in IA No. 197 of 2025 also wherein it was stated that "The above observation clearly sets the tone in this case. We note that the applicants, instead of contributing to the successful resolution of the Corporate Debtor's financial stress, are more concerned with loss of control of the Corporate Debtor and have been clinging upon it even after commencement of CIRP. A person, who himself is on the wrong side, does not have right to demand equitable consideration." This conduct clearly reflects the true and real intent of the applicants for filing the present application on 23.6.2025 on the eve of challenge mechanism process (initiation of which was agreed by CoC on 13<sup>th</sup> June, 2025) scheduled to commence on 8th July, 2025, after their opposition to such challenge mechanism was not accepted by CoC in its 11th Meeting held on 13<sup>th</sup> June, 2025. It is also noteworthy that, in the said meeting, the Resolution Professional requested the Applicants to provide the material information which would be uploaded on the VDR for all stakeholders and the same would assist in maximising the value of the Corporate Debtor, but they didn't provide any details, documents or information.'

18. The above-quoted paragraph indicates that from the very inception, the suspended directors of the corporate debtor refused to co-operate in the CIRP and adopted an obstructionist stand throughout. They refused to part with the information pertaining to the corporate debtor and now, they are seeking to turn around and point fingers towards the petitioner and respondent No.6 – SRA on description of the property of the corporate debtor. It was highlighted

on behalf of the petitioner that the information about the corporate debtor available even today i.e. 06.05.2026 on the portal of the Ministry of Home Affairs, shows the address of the corporate debtor as 37, Juhu, Mumbai. Yet, the applicant and the other suspended directors of the corporate debtor, are seeking to take a stand, indicating that possession of only the part of the property can be taken as the entire property at 37, Juhu Beach, Mumbai, cannot be said to be the property of the corporate debtor.

19. We are unable to agree with such submission made on behalf of the applicant as we find that the aforesaid stand is nothing, but an extension of the attitude adopted by the said applicant and the other suspended directors of the corporate debtor, throughout the proceedings before the NCLT and this Court. We find that a deliberate attempt is made to frustrate the orders of the NCLT and this Court, which would result in exasperating respondent No.6 – SRA, which would ultimately be counter-productive to the process undertaken as per the statutory provisions of the IBC. The same cannot be permitted.

20. In view of the above, we direct that the petitioner along with respondent No.6 – SRA, shall take possession of the property of the corporate debtor in its entirety at 37, Juhu Beach, Mumbai.

21. Respondent No.6 – Senior Inspector, Juhu Police Station, shall provide appropriate assistance to the petitioner and respondent No.6 – SRA in taking possession of the property as indicated hereinabove on 07.05.2026 (tomorrow). In that context, appropriate number of police personnel, including lady constables, shall be made available by respondent No.5 and the police personnel shall use reasonable,

appropriate and necessary police force, for taking physical possession of the property of the corporate debtor in its entirety.

22. We make it clear that the applicant and others seeking to obstruct the process, shall be dealt with appropriately by the police force assisting the petitioner and respondent No.6 – SRA in executing the direction issued by this Court. Also, if any persons claiming to be ‘security personnel’ engaged by the suspended directors of the corporate debtor, obstruct the said process, the police force shall deal with them in an appropriate manner.

23. The parties are at liberty to move the Vacation Bench for listing of the petition for reporting compliance.

**(SHREERAM V. SHIRSAT, J.)**

**(MANISH PITALE, J.)**

*Priya Kambl*