



**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**R/CIVIL APPLICATION (FOR CONDONATION OF DELAY) NO. 490 of  
2026**

**In R/LETTERS PATENT APPEAL/178/2026  
In R/SPECIAL CIVIL APPLICATION/11679/2024**

**With  
R/LETTERS PATENT APPEAL NO. 178 of 2026  
In  
R/SPECIAL CIVIL APPLICATION NO. 11679 of 2024**

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**UNION OF INDIA & ANR.**

**Versus**

**ARCELORMITTAL NIPPON STEEL INDIA PRIVATE LIMITED (FORMERLY  
KNOWN AS ESSAR STEEL INDIA LIMITED) & ORS.**

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**Appearance:**

**MR ANKIT SHAH(6371) for the Applicant(s) No. 1,2  
MR MIHIR JOSHI, SENIOR ADVOCATE WITH MS ISA HAKIM, ADVOCATE  
WITH MR YASH DADHICH, ADVOCATE FOR GANDHI LAW  
ASSOCIATES(12275) for the Respondent(s) No. 1  
MR DEEPAK KHOSLA ADVOCATE FOR MR. JAYDEEP M SHUKLA(6974)  
for the Respondent(s) No. 2,4,5**

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**CORAM:HONOURABLE THE CHIEF JUSTICE MRS.  
JUSTICE SUNITA AGARWAL  
and  
HONOURABLE MR.JUSTICE D.N.RAY**

**Date : 17/02/2026**

**ORAL ORDER**

**(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL)**

**ORDER IN CIVIL APPLICATION (FOR CONDONATION  
OF DELAY):-**

The delay caused in filing the Letters Patent Appeal has been explained to the satisfaction of the Court. The delay is hereby condoned. The Civil Application stands disposed of.



The Registry is directed to allot regular number to the appeal, forthwith.

**ORDER IN LETTERS PATENT APPEAL:-**

1. Having heard the learned counsels for the parties and perused the record, pertinent is to note that the judgment and order dated 16.10.2025 passed by the learned Single Judge in the connected Special Civil Application No.7966 of 2025, has been subjected to challenge before the Apex Court in *Special Leave Petition (Civil) Diary No.(s) 71659 of 2025*, in case of *Anitha Rayapati, & Ors. Vs. Arcelor Mittal Nippon Steel India Private Limited, & Ors.*, wherein while granting permission to file Special Leave Petition and issuing notices on the question formulated by the High Court in Paragraph-‘9(ii)’ of the judgment impugned herein, passed in a group of writ petitions leading the Special Civil Application No.11679 of 2024, the following order has been passed by the Apex Court on 05.01.2026:-

*“UPON hearing the counsel the Court made the following*

**ORDER**

***Diary No(s).71659/2025***

1. *Permission to file special leave petition is granted.*
2. *Issue notice with a view to answering question no.(ii) formulated by the High Court in paragraph 9 of the judgment dated 16.10.2025, passed in R/Special Civil Application No.11679/2024, returnable on 23.02.2026.*
3. *Dasti, in addition, is permitted.*

***SLP(C) Nos.36291-36293/2025***

4. *The instant special leave petitions have been filed against the order dated 05.12.2025 passed by the President of the National Company Law Tribunal (in short, the "NCLT"), whereby it has disposed of a transfer application filed by the petitioners, in a manner that is not maintainable, in view of a judgment dated 16.10.2025 passed by the High Court of Gujarat in R/Special Civil Application No.11679/2024.*
5. *We have separately cast prima facie doubt on the correctness of the view taken by the High Court of Gujarat in the cited decision and consequently, notice has been issued in SLP(C) Diary No.71659/2025 to determine the question of law formulated by the High Court in paragraph 9(ii) of the judgment dated 16.10.2025.*
6. *So far as the impugned order of the President of NCLT in these special leave petitions is concerned, we have gone through the averments made in the application*



*seeking transfer of TCP/131/241/AMR/2019 titled “Anitha Rayapati & Ors. vs. BIT Corporation Pvt. Ltd.”, TCP/133/241/AMR/2019 titled “Anitha Rayapati & Ors. vs. Tobacco Bye Products Pvt. Ltd. & Ors.” and CP/145/241/AMR/2019 titled “Anitha Rayapati & Ors. vs. M/s. Gogeneni Tobaccos Limited & Ors.”. These three matters are pending before the Amravati Bench of the NCLT, and the petitioners, by moving the transfer application before the President of NCLT, sought transfer of these cases to the NCLT, Hyderabad.*

7. *We have heard learned counsel for the petitioners and perused the grounds on which the transfer was sought.*

8. *The principal plea urged is that the Amravati Bench of the NCLT had granted an interim stay on 12.10.2022, and that during the course of hearing thereafter, a learned Member (Technical) allegedly “threatened to vacate” the said interim order. We are unable to accept such a contention. The ground urged is nothing but a brazen attempt to browbeat the Members of the Tribunal. Proceedings cannot be transferred merely because the Presiding Officer or a Member, during the course of hearing, has made certain observations. Since the very foundation of the transfer application was motivated and entirely unjustified, we are of the considered view that the application was rightly treated as liable to be dismissed by the President of the NCLT, albeit on a different ground.*

9. *Thus, the impugned order dated 05.12.2025 of the President of NCLT does not warrant any interference by*



*this Court. However, the question of law raised in the connected matter, which has also been filed by the petitioners, is kept open and shall be determined in the proceedings in which notice has been issued separately.*

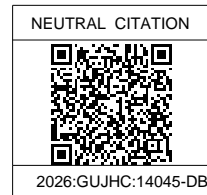
*10. With these observations/clarifications, the special leave petitions stand disposed of.*

*11. All pending applications, if any, also stand disposed of.”*

2. The present intra-court appeal filed by the parties before the writ court is also directed against the same judgment and order dated 16.10.2025, which is subject matter of challenge before the Apex Court on one of the issues framed and answered by the learned Single Judge.

3. Taking note of the questions formulated in paragraph - '9' of the judgment impugned, we are of the considered view that both the issues framed in paragraphs - '9(i)' and '9(ii)' of the judgment impugned are intricately linked and hence, it would be appropriate that the challenge may be made before the Apex Court.

4. In view of the fact that the Apex Court is already ceased



with the matter on one of the issues. The present Letters Patent Appeal stands disposed of accordingly, leaving the appellants to raise all issues before the Apex Court by filing a Special Leave Petition. We may only say that we have not entered into the merits of the contention of the parties in view of the order dated 05.01.2026 passed by the Apex Court.

**(SUNITA AGARWAL, CJ )**

**(D.N.RAY,J)**

A. B. VAGHELA