

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

INTERIM APPLICATION (LODGING) NO. 17484 OF 2026
IN
COMMERCIAL SUIT (L) NO. 1403 OF 2026

PERFECT INFRAENGINEERS LTD. AND OTHERS)...APPLICANTS
IN THE MATTER BETWEEN
PERFECT INFRAENGINEERS LTD. AND OTHERS)...PLAINTIFFS
V/s.

THE BOARD OF DIRECTORS OF TECHNOLOGY)
DEVELOPMENT BOARD AND OTHERS)...DEFENDANTS
WITH
INTERIM APPLICATION (L) NO. 3141 OF 2026
IN
COMMERCIAL SUIT (L) NO. 1403 OF 2026

Mr.Mathews Nedumpara a/w. Ms.Hemali Kurne, Advocate for the
Plaintiffs.

Mr.Anshul Anjarlekar i/by Raval Shah & Co., Advocate for the
Defendant no.5.

Mr.Yahya Batatawala, through video conferencing, a/w. Ms.Sneha
Mishra, Advocate for the Respondent no.15.

CORAM : ABHAY AHUJA, J.

DATE : 10th JUNE 2026

PC. :

1. Circulation of this matter has been granted as it was mentioned that urgent ad-interim reliefs were necessary and the regular Bench was not available and that this was the alternate Bench. This Court was informed by way of a praecipe that the matter before the National

Company Law Tribunal (“NCLT”) was kept on 9th June 2026 for passing orders in an Interim Application filed and that any such order would cause injustice to the Plaintiffs. Accordingly, circulation was granted and the matter has been listed at serial no.908 today.

2. As the learned Counsel appearing for the Plaintiffs was on his legs before another Bench, this matter was kept back in the morning session.

3. When the matter is called out in the afternoon session, Mr.Nedumpara, learned Counsel appearing for the Plaintiffs, firstly submits that the matter before the NCLT has now been adjourned to 21st July 2026. Mr.Nedumpara further submits that considering the urgent and exceptional circumstances, all that the Plaintiffs are seeking today are prayers in Interim Application (Lodging) No.17484 of 2026 for dispensation of leave under Section 80(2) of the Code of Civil Procedure, 1908 (“CPC”).

4. Mr.Anshul Anjarlekar, learned Counsel appearing for the Defendant/Respondent no.5 - ICICI bank, at the outset, raises an issue of the maintainability and the tenability of the reliefs claimed in the Suit as well as the connected applications submitting that the Plaintiff

no.1 as well as the Plaintiffs no.2 and 3 are subject matter of CIRP proceedings before the NCLT. That, in respect of the Plaintiff no.1, a Resolution Professional has already been appointed and that it is only the Resolution Professional who can prosecute any matter on behalf of the Plaintiff no.1.

5. Upon a query from this Court to Mr.Nedumpara as to whether the plaint and the applications have been served on the Defendants, Mr.Nedumpara submits that all the Defendants have been served and that an appropriate Affidavit of service would be filed in the Registry.

6. However, considering that circulation of this matter was granted in view of the listing for passing orders before the NCLT on 9th June 2026, however, noting that no orders have been passed and the matter has been adjourned to 21st July 2026, no case for urgency has been made out and the matter can well be considered by the regular Bench. Accordingly, let the matter be listed before the regular Bench.

7. Mr.Anjarlekar, learned Counsel appearing for the Defendant no.5, who has raised concerns on the maintainability of the Suit and the tenability of the reliefs claimed therein, seeks to file reply to the Interim Applications.

8. Liberty to file and serve reply(ies) and rejoinder(s).
9. At the joint request of the learned Counsel appearing in the matter, list on **8th July 2026** before the regular Bench.

(ABHAY AHUJA, J.)