

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**ORDINARY ORIGINAL CIVIL JURISDICTION**

**WRIT PETITION (L) NO.14634 OF 2025**

Ramesh Mansukhani

... Petitioner.

**V/s.**

Union of India & Ors.

... Respondents.

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Mr. Ankit Lohia, a/w Mr. Jay Zaveri, Ms. Rhea P, Ms. Tavleen Saini, i/by Crawford Bayley & Co. for the Petitioner.

Ms. Megha Gupta, a/w Ms. Lavanita C. and Ms. Shreya Gupte, i/by Hedgehod & Fox LLP for Respondent No.3.

Adv. Rohan Kadam, a/w Adv. Atul Singh and Adv. M. Agrawal, i/by AVS Legal for Respondent No.4.

Adv. Swaraj Jadhav, h/f Mr. Ishwar Manik for prospective buyer.

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**CORAM : KAMAL KHATA AND  
ARIF S. DOCTOR, JJ.  
(VACATION COURT)**

**DATE : 13<sup>th</sup> May 2025.**

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**P.C.**:-

1) Mr. Lohia, learned counsel for the Petitioner represents flats purchaser who has purchased the flats on the 3<sup>rd</sup> floor, 4<sup>th</sup> floor and 5<sup>th</sup> floor of Aadhya Building, Jaihind Co-operative Society Ltd., Plot no., 43, N.S. Road No.10, Vile Parle (West), Mumbai – 400 056 (writ flats) from the Respondent No.3 pursuant to a private treaty by executing Consent Terms dated 31<sup>st</sup> March, 2025 under the provisions of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act,

2002 (“SARFAESI Act”) read with Enforcement Rules. Mr. Lohia contends that he has already deposited 25% of the Sale Price being an amount of Rs.6,26,75,000/- out of the total Sale Price of Rs.25,07,00,000/- with the Respondent No.3 against which the Respondent No.3 has issued a Letter of Confirmation of sale dated 31<sup>st</sup> March, 2025.

2) Mr. Lohia contends that this Petition has been filed to challenge the applicability of interim moratorium under Section 124 of the Insolvency and Bankruptcy Code, 2016 (“IB Code”) as far as it is applicable to ‘secured creditors’ who have already enforced the security interest prior to the commencement of the interim moratorium under Section 124 of the IB Code.

3) Mr. Lohia further contends that apart from filing an Application under Section 122 before the National Company Law Tribunal (“NCLT”) the Respondent No.4 has made no further attempts to register the Application and in the garb of this Application is thwarting the attempt of completion of sale and handing over of the writ flats to the Petitioner.

4) Mr. Kadam, learned counsel representing the Respondent No4 submits that the Petitioner is his brother and is determined to evict him from the house and render him homeless. He submits it is not his fault if the NCLT has not registered the Application though filed by him. He has no objections to proceed with the hearing before the NCLT. He is willing to handover the writ flats to the concerned trustee as prescribed under the

proceeding before the NCLT when called upon.

- 5) We accept the aforesaid statements made by Mr. Kadam. We direct the NCLT to register the Application within a period of one week from the date of uploading of present order on the official website of High Court of Bombay.
- 6) Learned Advocate for the Respondents are permitted to file their Affidavit-in-Reply in the Registry.
- 7) List the matter on 17<sup>th</sup> June, 2025 under the caption “For Directions”.

(ARIF S. DOCTOR, J.)

(KAMAL KHATA, J.)