

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).

@ SLP(C) No.9913/2022

ASSETS CARE AND RECONSTRUCTION
ENTERPRISES LIMITED

APPELLANT(S)

VERSUS

THE STATE OF MAHARASHTRA & ORS.

RESPONDENT(S)

O R D E R

1. Leave granted.
2. The appellant has challenged the order of the High Court dated 25.01.2022, which reads thus:-
 - "1. Heard learned counsel for the petitioner. Arguable questions are made out.
 2. Admit.
 3. As the petitioner is having alternate remedy, we are refraining ourselves from granting interim relief."
3. We are surprised to read the impugned order.
4. If the High Court has found that the matter was worth admitting then there was no question of non-considering the issue with regard to grant or refusal of interim relief, on the ground that there is an alternate remedy.
5. When the High Court finds that there is merit in the matter and admits it, then it was also bound to consider as to whether the interim relief should have been granted or not.
6. Non-granting of interim relief on the ground that there is an alternate remedy available is totally contradictory to the earlier part of the order admitting the matter.
7. Non-consideration of the question of grant or refusal of interim relief, in our considered view, would be a failure to exercise the jurisdiction vested in the High Court.

8. We, therefore, set aside the impugned order and remit the matter back to the High Court. The High Court would consider whether the interim relief needs to be granted or not.
9. The appeal is allowed, to the extent indicated above.
10. Pending application(s), if any, shall stand disposed of.

.....J
(B.R. GAVAI)

.....J
(PRASHANT KUMAR MISHRA)

NEW DELHI;
OCTOBER 16, 2023

ITEM NO.54

COURT NO.4

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 9913/2022

(Arising out of impugned final judgment and order dated 25-01-2022 in WP No. 10695/2019 passed by the High Court of Judicature at Bombay at Aurangabad)

ASSETS CARE AND RECONSTRUCTION ENTERPRISES LIMITED PETITIONER(S)

VERSUS

THE STATE OF MAHARASHTRA & ORS.

RESPONDENT(S)

Date : 16-10-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI

HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Mr. Amarjit Singh Bedi, AOR
Mr. R P Agrawal, Adv.
Ms. Manisha Agrawal, Adv.
Ms. Riya Seth, Adv.
Mr. Varun Chandiok, Adv.

For Respondent(s)
Mr. Shrirang B. Varma, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Sourav Singh, Adv.
Mr. Aditya Krishna, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The appeal is allowed, in terms of the signed order.

(NARENDRA PRASAD)
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)
COURT MASTER (NSH)

(Signed order is placed on the file)