

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.4433-4435 OF 2019

EMAAR MGF LAND LIMITED

APPELLANT(S)

VERSUS

HADI MOHD TAHER BADRI & ORS.

RESPONDENT(S)

O R D E R

The appellant is before this Court assailing the interim orders dated 04.04.2019, 05.04.2019 and 15.04.2019 in Company Appeal (AT) (Insolvency) No.107 of 2019 which is pending before the National Company Law Appellate Tribunal (for short 'NCLAT') since the NCLAT without deciding the application seeking leave to withdraw the appeal in view of the proceedings in C.P (IB) No. 1403(PB) of 2018 being set aside by this Court is retaining the appeal on its board.

Heard Shri Gopal Sankaranarayanan, learned senior counsel appearing for the appellant who vehemently contends that the NCLAT does not have jurisdiction to keep the appeal pending at this stage when the main proceedings before the NCLT from which appeal arose before NCLAT has been set aside by this Court. Though the such contention is put forth and we have noted the order of this Court in C.A. No. 2502 of 2019, at this stage we do not propose to entertain this appeal since in our view the same is pre-mature at this stage inasmuch as the NCLAT has not

yet decided the application which has been filed seeking withdrawal of the appeal. In the said proceedings though certain observations are made, the NCLAT will at the outset take note of as to whether the proceedings before the NCLT has come to an end in view of the order passed by this court in CA No. 2502 of 2019 and thereafter pass appropriate orders.

At this stage, we also see no reason to entertain the applications filed by the intervenors before this Court since in any event they have filed applications before the NCLAT and if the prayer of the appellant to withdraw his appeal is allowed, the said intervenors in any event will have to avail their remedies in accordance with law.

Considering the fact that the last order in the appeal before NCLAT is 15.04.2019 and sufficient time has elapsed, we request the NCLAT to dispose of the application pending before it seeking withdrawal of the appeal, as expeditiously as possible within a period of six weeks from this date.

With the above observations, the appeals stand disposed of.

.....J.
[A.S. BOPANNA]

..... J.
[PAMIDIGHANTAM SRI NARASIMHA]

NEW DELHI;
SEPTEMBER 15, 2022

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

Civil Appeal Nos. 4433-4435/2019

EMAAR MGF LAND LIMITED

Appellant(s)

VERSUS

HADI MOHD TAHER BADRI & ORS.

Respondent(s)

Date : 15-09-2022 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.S. BOPANNA

HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Appellant(s) Mr. Gopal Sanakarayanan, Sr. Adv.
Mr. Krishnamohan K., AOR
Ms. Dania Nayyar, Adv.
Mr. Daksh Ahluwalia, Adv.
Mr. Ashish Joshi, Adv.
Ms. Ishita Chowdhary, Adv.

For Respondent(s) Mr. Kunal Mimani, AOR

Mr. Tishampati Sen, AOR
Ms. Riddhi Sancheti, Adv.
Mr. Anurag Anand, Adv.

Mr. K.M. Nataraj, ASG
Mr. Akshay Amritanshu, Adv.
Ms. Swati Ghildiyal, Adv.
Mr. Sharath Nambiar, Adv.
Mr. Varun Chugh, Adv.
Mr. Nakul Chengappa K.K., Adv.
Mr. Arvind Kumar Sharma, AOR

Mr. Gaurav Goel, AOR

UPON hearing the counsel the Court made the following
O R D E RThe appeals stand disposed of in terms of signed order.
Pending application(s) shall stand disposed of.

(RAJNI MUKHI)
COURT MASTER (SH)
(Signed order is placed on the file)

(DIPTI KHURANA)
ASSISTANT REGISTRAR