

ITEM NO.62

COURT NO.7

SECTION XVII-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SCIVIL APPEAL Diary No(s).14343/2026

[Arising out of impugned final judgment and order dated 22-10-2025 in CAAT (CH) (I) No. 210/2024 passed by the National Company Law Appellate Tribunal, Chennai]

MR. D.N. PRATAP CHOWDARY

Petitioner(s)

VERSUS

MR. MALIGI MADHUSUDHAN REDDY & ORS.

Respondent(s)

IA No. 90087/2026 - CONDONATION OF DELAY IN FILING

IA No. 90086/2026 - STAY APPLICATION

Date : 13-04-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) : Mr. Shyam Divan, Sr. Adv.
Ms. Hetu Arora Sethi, AOR
Mr. Yogesh Jogia, Adv.
Ms. Nitya Ahuja, Adv.
Mr. Aditya Jogia, Adv.
Ms. Kanak Wathawal, Adv.
Mr. Sanidhya K., Adv.

For Respondent(s) :

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

Signature Not Verified
Digitally signed by
HARPREET KAUR
Date: 2026.04.15
19:26:37 IST
Reason:

1. Heard Mr. Shyam Divan, the learned senior counsel appearing for the appellant.

2. Our attention was drawn to the reply given by the

appellant to the demand notice issued by the operational creditor.

3. In the reply, the appellant stated that the site was not handed over and in such circumstances, the work could not be undertaken.

4. The aforesaid aspect of the matter was dealt with by the NCLAT. The NCLAT observed in para 21 of its impugned order that insofar as the issue of failure to handover the site was concerned, the same was never raised as a ground in reply to the notice under Section 8 of the Insolvency and Bankruptcy Code, 2016.

5. The contention of the learned senior counsel is that there is a pre-existing dispute and in such circumstances, Section 9 would not be maintainable.

6. Issue notice, including notice on the application for condonation of delay.

7. Dasti service, in addition, is permitted.

8. At this stage, Mr. Divan brought to our notice that since the plan could not get finalized, liquidation proceedings have been initiated.

9. We are inclined to stay the further proceedings on the condition that the appellant deposits an amount of Rs.1,00,00,000/- (Rupees One Crore only) with the Registry of this Court within a period of four weeks from today. We order accordingly.

10. The Registry shall invest this amount of Rs.1,00,00,000/- (Rupees One Crore only) in a short term fixed deposit with any nationalized bank.

11. List on 20.05.2026.

(HARPREET KAUR)
COURT MASTER (SH)

(POOJA SHARMA)
COURT MASTER (NSH)