

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

Company Appeal (AT) (Insolvency) No. 1758 of 2026

In the matter of:

Sudha Bhatia

....Appellant

Vs.

Tata Capital Limited & Ors.

...Respondents

For Appellant

Mr. Prashant Katara, Mr. Soin Khan, Mr. Shivam Gupta, Ms. Vanshika Puri, Advocates.

For Respondents

Ms. Aastha Trivedi, Ms. Ekta Bhasin, Mr. R. Sudhinder, Advocates.

ORDER

(Hybrid Mode)

07.10.2026: This Appeal is filed against an impugned order dated 17.08.2026 passed by the Ld. Adjudicating Authority (National Company Law Tribunal) New Delhi Bench (Court-II) wherein on a New Intervention Petition No.54 of 2026, the Ld. NCLT in view of the judgment of the Hon'ble High Court of Bombay, had held no Moratorium under Section 96 of the IBC, 2016 would apply to the proceedings initiated under Section 94 of the IBC, 2016 and it would not apply to the person who has given personal guarantee, as in the present case.

2. It is the submission of the Ld. Counsel for the Appellant no audience was given to him while passing of the impugned order as the main matter was to be listed on 11.09.2026 whereas this file was taken up on 17.08.2026 on an intervention application No.54 of 2026 and without giving any notice to the Appellant, the impugned order was passed. Though, he further submits there

are contrary judgments to the effect as to if Section 94 shall apply retrospectively or prospectively, but in any case, he is not dealing with the said issue at the present moment and shall be satisfied if his recall application would be taken up on 12.10.2026 by the Ld. NCLT, when it be heard and disposed of.

3. Considering the submissions, since the recall application of the order dated 17.08.2026 is pending for 12.10.2026, it would be appropriate to dispose of this Appeal with a request to the Ld. NCLT to hear the said application on the said date and pass an order as early as possible. The Appellant is free to raise his contentions before the Ld. NCLT in the application for recall of the said order. The Appeal stands disposed of in terms of the above. Pending applications viz IA No. 6664 of 2026, IA No.6665 of 2026 and IA No.6666 of 2026 are also disposed of.

Dasti order be given.

**[Justice Yogesh Khanna]
Officiating Chairperson**

**[Barun Mitra]
Member (Technical)**

**(Ajai Das Mehrotra)
Member (Technical)**

Anjali/md