NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Insolvency) No. 07 of 2026
& I.A. No. 7970 of 2025

IN THE MATTER OF:

NKGSB Co-Operative Bank Ltd. ...Appellant

Versus

Ajit Kumar,
RP of Omkar Specialty Chemicals Ltd. & Ors. ...Respondents

Present:
For Appellant : Mr. Sagar Wagle, Advocate.
For Respondents : Mr. Amey Hadwale, Advocate for R-1.
Mr. Smit Shah, Advocate for R-4.

O R D E R
(Hybrid Mode)

18.08.2026: **I.A. No. 7970 of 2025:** This is an application praying for condonation of *92* days delay in refiling the appeal.

2. Learned counsel for the Appellant submits the appeal was filed on *06.09.2025* and it was first scrutinized and defect sheet was handed over to him on *09.09.2025* and after clearing the defects the appeal was refiled on *15.09.2025*. Likewise, on *19.09.2025, 06.10.2025, 14.10.2025* and *04.11.2025* defect sheets were handed over to the Appellant which were replied to and defects were removed on *25.09.2025, 12.10.2025, 20.10.2025* and *16.12.2025.*

3. It is submitted as and when the defect sheets were made available to the Appellant, the defects were removed immediately except on last occasion

Cont'd.../

when defects could not have cured for *42* days for the reasons mentioned in Para *5* of the application.

4. Learned counsel for the Appellant has relied upon the judgment of Hon'ble Supreme Court in ***CA Ramchandra Dallaram Chaudhary vs. Adani Infrastructure and Developers Private Limited*** wherein as per the *Supreme Court Rules, 2013 Order VIII (6) (3) & (4)* a duration of *28* days was prescribed for removal of defects and Hon'ble Supreme Court has held appeal not maintainable after expiry of the prescribed period. As to this, learned counsel for the Appellant has relied upon the NCLAT Rules, *2016*, more specifically *Rule 26 (2) and (3)*, which is as under:

> *"26. Endorsement and scrutiny of petition or appeal or document.*
>
> *…*
>
> *(2) If, on scrutiny, the appeal or document is found to be defective, such document shall, after notice to the party, be returned for compliance and if there is a failure to comply within seven days from the date of return, the same shall be placed before the Registrar who may pass appropriate orders.*
>
> *(3) The Registrar may for sufficient cause return the said document for rectification or amendment to the party filing the same, and for this purpose may allow to the party concerned such reasonable time as he may consider necessary or extend the time for compliance."*

5. It is submission of learned counsel for the Appellant no outer limit is prescribed under *NCLAT Rules, 2016* as prescribed by the Supreme Court

Rules and discretion lies with the Registrar or the Court to condone the delay.

6. On *05.01.2026* the matter was placed before the Registrar, NCLAT and *per* his order it was placed before this Bench.

7. Considering the *Rules 26 (2) and (3)* of *NCLAT Rules, 2016* and also the reasons given in Para *5* of the application. *I.A. No.7970 of 2025* is allowed.

8. It is submitted by the learned counsel for the Appellant in the application *I.A. No.3 of 2024,* the Appellant has challenged the change of its status from a Secured Creditor to an Unsecured one, despite being earlier declared by the learned NCLT itself by order dated *08.10.2024* as a Secured Creditor, yet the learned NCLT by the impugned order approved the resolution plan.

9. Issue notice to the Respondents. Though learned counsel for the Appellant sought stay but as submitted by the learned counsel for the Respondent No.*1* the plan has since been implemented, hence, at this stage, we are not inclined to pass any order in this regard.

10. List this appeal on **12.10.2026.**

[Justice Yogesh Khanna]
The Officiating Chairperson

[Ajai Das Mehrotra]
Member (Technical)

Archana/MD