

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Insolvency) No. 258 of 2026

[Arising out of Order dated 28.01.2026 passed by the Adjudicating Authority (National Company Law Tribunal, Court - V, Mumbai Bench), in I.A./138/2026 in C.P. (IB)/719(MB) 2023]

IN THE MATTER OF:

Purusottam Behera
(Resolution Professional for
Mrs. Manisha S Patil)

...Appellant

Versus

State Bank of India & Ors.

...Respondents

Present:

For Appellant : Mr. Abhijeet Sinha, Sr. Advocate with Mr. Aditya Gauri, Mr. Amar Vivek, Ms. Damini Srestha, Mr. Anant Jain and Mr. Aryan Chhabra, Advocates.

For Respondents : Mr. Akash Chatterjee, Advocate for CoC.

WITH

Company Appeal (AT) (Insolvency) No. 259 of 2026

[Arising out of Order dated 28.01.2026 passed by the Adjudicating Authority (National Company Law Tribunal, Court - V, Mumbai Bench), in I.A./139/2026 in C.P. (IB)/398(MB) 2024]

IN THE MATTER OF:

Purusottam Behera
(Resolution Professional for
Mahesh Sidramappa Malang)

...Appellant

Versus

State Bank of India & Ors.

...Respondents

Present:

For Appellant : Mr. Abhijeet Sinha, Sr. Advocate with Mr. Aditya Gauri, Mr. Amar Vivek, Ms. Damini Srestha, Mr. Anant Jain and Mr. Aryan Chhabra, Advocates.

For Respondents : Mr. Akash Chatterjee, Advocate for CoC.

WITH

Company Appeal (AT) (Insolvency) No. 260 of 2026

[Arising out of Order dated 28.01.2026 passed by the Adjudicating Authority
(National Company Law Tribunal, Court - V, Mumbai Bench), in
I.A./137/2026 in C.P. (IB)/717(MB) 2023]

IN THE MATTER OF:

**Purusotiam Behera
(Resolution Professional for
Mangesh Sidramappa Malang)**

...Appellant

Versus

State Bank of India & Ors.

...Respondents

Present:

For Appellant : Mr. Abhijeet Sinha, Sr. Advocate with Mr. Aditya Gauri, Mr. Amar Vivek, Ms. Damini Srestha, Mr. Anant Jain and Mr. Aryan Chhabra, Advocates.

For Respondents : Mr. Akash Chatterjee, Advocate for CoC.

WITH

Company Appeal (AT) (Insolvency) No. 261 of 2026

[Arising out of Order dated 28.01.2026 passed by the Adjudicating Authority
(National Company Law Tribunal, Court - V, Mumbai Bench), in
I.A./140/2026 in C.P. (IB)/399(MB) 2024]

IN THE MATTER OF:

**Purusottam Behera
(Resolution Professional for Shivkumar Patil)**

...Appellant

Versus

State Bank of India & Ors.

...Respondents

Present:

For Appellant : Mr. Abhijeet Sinha, Sr. Advocate with Mr. Aditya Gauri, Mr. Amar Vivek, Ms. Damini Srestha, Mr. Anant Jain and Mr. Aryan Chhabra, Advocates.

For Respondents : Mr. Akash Chatterjee, Advocate for CoC.

WITH

Company Appeal (AT) (Insolvency) No. 262 of 2026

[Arising out of Order dated 28.01.2026 passed by the Adjudicating Authority
(National Company Law Tribunal, Court - V, Mumbai Bench), in
I.A./141/2026 in C.P. (IB)/718(MB) 2023]

IN THE MATTER OF:

**Purusottam Behera
(Resolution Professional for
Surekha Sidramappa Malang)**

...Appellant

Versus

State Bank of India & Ors.

...Respondents

Present:

For Appellant : Mr. Abhijeet Sinha, Sr. Advocate with Mr. Aditya Gauri, Mr. Amar Vivek, Ms. Damini Srestha, Mr. Anant Jain and Mr. Aryan Chhabra, Advocates.

For Respondents : Mr. Akash Chatterjee, Advocate for CoC.

WITH

Company Appeal (AT) (Insolvency) No. 292 of 2026

[Arising out of Order dated 28.01.2026 passed by the Adjudicating Authority
(National Company Law Tribunal, Court - V, Mumbai Bench), in
I.A./136/2026 in C.P. (IB)/400(MB) 2024]

IN THE MATTER OF:

**Purusottam Behera
(RP of Mahesh Dhanashree)**

...Appellant

Versus

State Bank of India & Ors.

...Respondents

Present:

For Appellant : Mr. Abhijeet Sinha, Sr. Advocate with Mr. Aditya Gauri, Mr. Amar Vivek, Ms. Damini Srestha, Mr. Anant Jain and Mr. Aryan Chhabra, Advocates.

For Respondents : Mr. Akash Chatterjee, Advocate for CoC.

J U D G M E N T

ASHOK BHUSHAN, J.

These appeals have been filed by the Resolution Professional (RP) of the personal guarantors, challenging the common order dated 28.01.2026 passed by the adjudicating authority (National Company Law Tribunal, Court – V, Mumbai Bench) in I.A. No.136/2026 in C.P. No.400(IB)/MB/2024 in I.A. No.137/2026 in C.P. No.717(IB)/MB/2023 in I.A. No.138/2026 in C.P. No.719(IB)/MB/2023 in I.A. No.139/2026 in C.P. No.398(IB)/MB/2024 in I.A. No.146/2026 in C.P. No. (IB)399/MB/2024 & in I.A. No.141/2026 in C.P. No.718(IB)/MB/2023. The adjudicating authority by the impugned order dismissed the application filed by the RP, by which application, RP has prayed for extension of Personal Insolvency Resolution Process (PIRP) period. Aggrieved by the order dated 28.01.2026 passed in the above applications, these appeals have been filed.

2. Facts and issues arising in these appeals being common, it shall be sufficient to refer to the pleadings in Comp. App. (AT) (Ins.) No.258/2026 for deciding these appeals.

3. Brief facts necessary to be noticed for deciding these appeals are:

- i. Corporate Insolvency Resolution Process (CIRP) against the corporate debtor M/s. MSM Steels Private Limited was initiated on 17.09.2019. Resolution Plan was approved on 10.11.2023. State Bank of India (SBI) has filed an application under Section 95 C.P. (IB) No.719/MB/2023 against the personal guarantor Ms. Manisha S. Patil on 04.07.2023.

SBI has filed different Section 95 application against other personal guarantors.

- ii. Appellant, Purusottam Behera was appointed RP by the adjudicating authority on 12.07.2023. RP submitted a report recommending admission and commencement of PIRP against the personal guarantors.
- iii. By order dated 01.10.2024, Section 95 application was admitted under Section 100 of the Insolvency and Bankruptcy Code, 2016 (for short the Code or the IBC) triggering the moratorium under Section 101 of the IBC. RP issued public notice on 10.10.2024 for inviting claims.
- iv. On 07.01.2025, personal guarantors submitted a repayment plan to the RP. RP filed repayment plan along with the report under Section 106 of the IBC before the NCLT by way of I.A. No. 9638/2025 on 09.01.2025.
- v. On 22.01.2025, first meeting of the creditors was convened in which deliberations took place with revised plan.
- vi. On 29.01.2025 statutory period of 120 days from commencement of the PIRP expired in terms of Regulation 19(1) of the IBBI (IRP for Personal Guarantors) Regulations, 2019.
- vii. On 24.02.2025, NCLT passed an order taking on record the repayment plan and the report under Section 106. RP convened the second meeting of the creditors on 11.03.2025 and third meeting of creditors on 17.05.2025.

- viii. On 17.05.2025, third meeting of creditors authorised the RP to seek extension of PIRP period by 150 days beyond 29.01.2025, to facilitate effective negotiations and finalisation of the repayment plan. RP filed I.A. No.3510/2025 before the NCLT seeking extension of period of 150 days.
- ix. Fourth meeting of creditors was held on 18.08.2025. Final revised repayment plan was submitted on 22.08.2025.
- x. In the eighth meeting of the creditors, RP informed that repayment plan stood finalised in substance. It was resolved to place the repayment plan for e-voting under Section 111 of the IBC.
- xi. On 06.12.2025, e-voting concluded, resulting in 100% approval of the repayment plan. On 18.12.2025, NCLT declined to take on record the RP's report under Section 112 of the IBC on the ground that application was pending adjudication.
- xii. On 30.12.2025, ninth meeting of the creditors was convened, wherein creditors authorised the RP by a majority of 89.36% to seek extension of the PRIP period by 201 days from 29.06.2025 to 15.01.2026 to enable procedural completion and adjudication of the approved repayment plan, in pursuance of which I.A. No.138/2026 was filed seeking condonation of delay and extension of the PIRP period, which came to be dismissed by the impugned order dated 28.01.2026.

- xiii. Similarly, applications were filed in PIRP of other personal guarantors as noted above which were all rejected by common order dated 28.01.2026.
- xiv. When the appeal was taken for consideration on 05.02.2026, on which date, we passed following order:

“1. All the appeals have been filed challenging the order passed on 28.01.2026 in different IAs filed by the Resolution Professional (RP), the appellant herein with respect to personal guarantees of the personal guarantors.

2. By the impugned order, adjudicating authority has rejected the application in one of the IAs (giving rise to Comp. App. (AT) (Ins.) No. 258/2026), following prayers have been made:

“(a) Consider the present IA of 2026 under section 60(2) of the Code;

(b) To allow extension of Personal Insolvency Resolution Process Period for additional 201 (two hundred and one) days i.e., from 29 June 2025 to 15 January 2026 facilitating the completion of the PGIRP in a meaningful manner, particularly when the Repayment Plan submitted by the Personal Guarantor, Manisha S Patil is already pending consideration before this Hon'ble Tribunal;

(c) Condone the delay of 193 days in filing the present application in filing the present extension application for the period from 29 June 2025 to 07 January 2026;

(d) Issue such other orders as may be necessary in the matter.”

3. Adjudicating authority by the impugned order has rejected the application observing that moratorium cannot be extended by the Court.

4. Appellant submits that present was not a case for prayer of extension of moratorium, rather time was prayed for extension of process, since the repayment plan has been approved by the 100% vote shares.

5. Submission needs scrutiny. Issue notice. Appellant to provide mobile Nos./e-mail address of the

respondents. Notice be issued through e-mail or any other available mode. Requisites along with process fee be filed within two days.

6. Appellant is permitted to implead the financial creditors as respondents to the appeal. Let the amended memo be filed by the appellant by tomorrow.

*7. Appellant also undertakes to serve the creditors personally and file an affidavit of service on the next date. List these appeals on **09th February, 2026.***

- xv. In pursuance of notice issued, the creditors have filed an affidavit dated 13.02.2026. Adjudicating authority by the impugned order has taken the view that moratorium under Section 101 is to end on the period of 180 days, hence the scheme of IBC in relation to PIRP process is to complete the process within 180 days and it does not provide for any mandatory consequence as is contemplated in Section 33(1) of the Code, hence scheme of code neither contemplates PIRP period beyond moratorium nor an order for extension of time in PIRP period.
- xvi. Adjudicating authority held that Code does not empower NCLT to grant extension in respect of PIRP process. By making the above observations, the applications have been rejected.

4. We have heard learned Sr. counsel Mr. Abhijeet Sinha appearing for the appellant and Mr. Akash Chatterjee learned counsel appearing for the creditors.

5. Learned Sr. counsel Mr. Abhijeet Sinha appearing for the appellant submits that a plain reading of Section 100 to Section 115 of the IBC read with Regulation 19 of the IBBI (Insolvency Resolution Process for Personal Guarantors to Corporate Debtors) Regulations, 2019 (for short the 2019 Regulations) indicate that statute does not impose any express bar on

extension of insolvency resolution period. Section 101 merely limits the duration of the moratorium to 180 days or until the order under Section 114 is passed whichever is earlier. It is submitted that the provision does not make adjudicating authority functus officio nor mandate automatic termination of the PIRP on expiry of 180 days. Although, Regulation 19 of the 2019 Regulations prescribed 120 days for filing the approved repayment plan but does not provide for abatement or nullification of proceedings in the event of delay. In the absence of consequence clause, such timelines are procedural and directory. Scheme of Section 112 to Section 115 indicate that adjudicating authority retained jurisdiction until it adjudicates upon repayment plan. It is submitted that adjudicating authority committed error in rejecting the application. Learned counsel for the appellant has placed reliance on the judgment of this Tribunal in **[Comp. App. (AT) (Ins.) No.38/2025]** in '**Anil Kumar**' Vs. '**Mukund Choudhary**' decided on 22.01.2025 and also on the judgment in **[Comp. App. (AT) (Ins.) No.977/2025]** in '**Shiv Kumar Goel**' Vs. '**Piyush Moona (RP) & Anr.**' decided on 17.07.2025.

6. Learned counsel appearing for the creditors submitted that creditors have already passed a resolution in tenth meeting of the creditors on 06.02.2026, where it has passed resolution of recording its no objection to grant of extension of timeline for completion of PIRP.

7. We have considered the submissions of the counsel for the parties and perused the records.

8. There is no dispute between the parties with respect to facts and sequence of the event. The order under Section 100 was passed on 01.10.2024. Regulation 19 of the 2019 Regulations provides for filing of repayment plan as approved by the creditors on or before completion of 120 days from the resolution process commencement date. Regulation 19 is as follows:

“19. Filing with the Adjudicating Authority.–

(1) The resolution professional shall file the repayment plan, as approved by the creditors, along with the report mentioned in sections 106 or 112, as the case may be, with the Adjudicating Authority on or before completion of one hundred and twenty days from the resolution process commencement date.

(2) The resolution professional shall provide the copies of the documents filed with the Adjudicating Authority under sub-regulation (1) to the guarantor and the creditors, within three days from the date of such filing.”

9. The resolution process commencement date is the date of admission i.e., 01.10.2024. We need to notice Section 101 of the IBC which deals with moratorium which kicks in on admission of an application under Section 100 for a period of 180 days. Section 114 provides for an order of the adjudicating authority on repayment plan. Sections 101, 114 & 115 of the IBC is as follows:

“101. Moratorium.

(1) When the application is admitted under section 100, a moratorium shall commence in relation to all the debts and shall cease to have effect at the end of the period of one hundred and eighty days beginning with the date of admission of the application or on the date the Adjudicating Authority passes an order on the repayment plan under section 114, whichever is earlier.

(2) During the moratorium period—

(a) any pending legal action or proceeding in respect of any debt shall be deemed to have been stayed;

(b) the creditors shall not initiate any legal action or legal proceedings in respect of any debt; and

(c) the debtor shall not transfer, alienate, encumber or dispose of any of his assets or his legal rights or beneficial interest therein;

(3) Where an order admitting the application under section 96 has been made in relation to a firm, the moratorium under sub-section (1) shall operate against all the partners of the firm.

(4) The provisions of this section shall not apply to such transactions as may be notified by the Central Government in consultation with any financial sector regulator.

114. Order of Adjudicating Authority on repayment plan.—

(1) The Adjudicating Authority shall by an order approve or reject the repayment plan on the basis of the report of the meeting of the creditors submitted by the resolution professional under section 112:

Provided that where a meeting of creditors is not summoned, the Adjudicating Authority shall pass an order on the basis of the report prepared by the resolution professional under section 106.

(2) The order of the Adjudicating Authority approving the repayment plan may also provide for directions for implementing the repayment plan.

(3) Where the Adjudicating Authority is of the opinion that the repayment plan requires modification, it may direct the resolution professional to re-convene a meeting of the creditors for reconsidering the repayment plan.

115. Effect of order of Adjudicating Authority on repayment plan.—

(1) Where the Adjudicating Authority has approved the repayment plan under section 114, such repayment plan shall—

(a) take effect as if proposed by the debtor in the meeting; and

(b) be binding on creditors mentioned in the repayment plan and the debtor.

(2) Where the Adjudicating Authority rejects the repayment plan under section 114, the debtor and the creditors shall be entitled to file an application for bankruptcy under Chapter IV.

(3) A copy of the order passed by the Adjudicating Authority under sub-section (2) shall be provided to the Board, for the purpose of recording an entry in the register referred to in section 196.”

10. Section 101 of the IBC provides for moratorium which commences from the date of the admission of application for a period of 180 days or on the date, the adjudicating authority passed an order on the repayment plan under Section 114 whichever is earlier. In the present case, no order has been passed under Section 114 thus moratorium shall come to an end on 180 days from 01.10.2024 i.e., by 31.03.2025. As noted above, in the present case, repayment plan along with the report was submitted on 09.01.2025. Period of 120 days as provided in Regulation 19 of 2019 Regulations came to an end on 29.01.2025. First meeting of the creditors was also convened on 22.01.2025 by the RP for consideration of repayment plan. In the aforesaid meeting, the creditors took note that the repayment plan has been filed by personal guarantors on 07.01.2025 and certain suggestions were given with regard to repayment plan by the creditors. The 120 days of PIRP came to an end on 29.01.2025 without approval of the repayment plan. As noted above, the repayment plan remained under consideration and ultimately has been approved with 100% voting of the creditors on 06.12.2025. It is also on the record that the third meeting of creditors held on 17.05.2025 authorised the RP to file an application for seeking extension in the insolvency resolution

process by 150 days. The above resolution was passed on result of the e-voting which is reflected by the report submitted by the Interim Resolution Professional (IRP) dated 27.06.2025 to the creditors. Paragraph 8 of the report is as follows:

“8. The details / report containing, inter alia, list of creditors, who voted "For", "Against" or "Abstained from voting" on each of the resolutions put to vote, were obtained from email as per e-voting via email and the result of the e-voting is as follows:

Sr. No	Particulars	Particulars of Votes	
1	<u>Resolution No. 1 - To seek extension in the Insolvency Resolution Process for Personal Guarantors being Mrs. Manisha S Patil by 150 days</u> "RESOLVED THAT pursuant to relevant Section of the IBC, 2016 and Rules & Regulations made thereunder, the Creditors hereby directs the RP to file an application to the Adjudicating Authority to extend the period of the Insolvency Resolution Process For Personal Guarantors being Mrs. Manisha S Patil by one hundred fifty (150) days from 30th January 2025 to 28th June 2025 so as to enable an effective negotiation and finalisation on the Repayment Plan being submitted by Mrs. Manisha S Patil to maximise the value for all the Creditors." The above Resolution requires 51% of the votes.	Particulars	% Voting
		Voted in favour	99.97
		Voted against	-
		Voted to Abstain	-
		Not Voted	0.03
		Total	100%
		Result: In line with para 5, "not voted" votes will not be counted. Thus, with no votes being received under the category of "voted against" and "Voted to Abstain". The said Resolution is considered to have been received 100% of votes in favour. Hence passed. Voted in Favour: Creditors mentioned in point 7 - SBI & PARC Voted Against: Nil Voted Abstained: Nil	

		Not Voted: Creditors mentioned in point 7 Dept. IT
--	--	---

11. RP thus filed the application for extension of 150 days with the approval of the creditor and subsequently in the ninth meeting of the creditors held on 30.12.2025, creditors authorised the RP to file application for extension of 201 days from 29.01.2025 to 15.01.2026 in consequence of which RP has filed the I.A.138/2026 as noted above. Adjudicating authority in the impugned order noticing the provisions of Section 101 of the IBC took the view that scheme of the of I&B Code in relation to PIRP process is to complete the process within 180 days and it does not provide for any mandatory consequence. In paragraphs 19 & 20 of the impugned order, following has been observed:

“19. While Section 14 of the Code provides for a moratorium lasting until the completion of the Corporate Insolvency Resolution Process (CIRP), which is amenable to extension beyond 180 days, no such provision exists in the context of the Personal Insolvency Resolution Process. The Scheme of I&B Code in relation to PIRP process is to complete the process within 180 days and it does not provide for any mandatory consequence as is contemplated in Section 33(1) of the Code, in the context of CIRP process. Hence, we are of the considered view that the Scheme of Code neither contemplates PIRP beyond moratorium nor an order for extension of time in PIRP Period.

20. In view of the above facts and circumstances, it is noted that the extension of 201 days in this PIRP process from 29.06.2025 to 15.01.2026 cannot be granted since the provisions of the Code does not empower this Tribunal to grant extension in respect of PIRP process. The Applicant may take necessary actions in compliance with the provisions of the Code and regulations.”

12. The question which has come for consideration is as to whether after expiry of 180 days which is period of moratorium as under Section 101 of the IBC where Tribunal has jurisdiction to extend the PIRP period. In the above reference, we may refer to the judgment of this Tribunal in **‘Anil Kumar’ (supra)**. In the above case, after application was filed by the RP where the creditor has authorised the RP to file application for extending the PIRP by 90 days beyond 180 days. Application decided by the adjudicating authority on 04.12.2024. Adjudicating authority although granted extension of 90 days to complete the process, however, no views were expressed on the moratorium. The above facts are noticed in paragraphs 2 (vii) & (viii) which are as follows:

“2. Brief facts necessary to be noticed for deciding the Appeal are:

vii. On 28.10.2024, RP was authorised to file an appropriate Application for extending PIRP by 90 days beyond 180 days.

viii. Appellant thereafter filed an I.A. 5719/2024 seeking extension of the PIRP by 90 days beyond 180 days, which Application came to be rejected by Adjudicating Authority on 04.12.2024, by which Application, the Adjudicating Authority has granted 90 days extension to complete the process, however, no views were expressed on the Moratorium.”

13. Before this Tribunal, it was pointed out that adjudicating authority ought to have extended the moratorium also. In the above context, this Tribunal considered the relevant provisions and came to the conclusion that Section 101 of the IBC provides for a limit of moratorium and conceding any power to the Tribunal to adjudicating authority to extend the said period shall completely against the statutory scheme. In paragraph 21, following was held:

“21. When we look into the statutory scheme of the IBC, it is clear that Interim Moratorium is kicked in as soon as Application is filed under Section 94 and Section 95 by virtue of statutory provision under Section 96 that Moratorium continues till an Order is passed under Section 100 for admission or rejection of the Application. Section 101 provides that when Application is admitted further Moratorium of 180 days shall commence which shall come to an end on the date Adjudicating Authority passes an Order on the Repayment Plan under Section 114 or 180 days whichever is earlier. The language of Section 101(1) is plain and clear, outer limit of Moratorium is prescribed by providing that 180 days from date of commencement of admission of the Application or an Order is passed by the Adjudicating Authority on the Repayment Plan under Section 114 whichever is earlier thus on happening of the eventuality as prescribed as Section 101(1) Moratorium comes to an end. Conceding any power to the Adjudicating Authority or this Tribunal to extend the said period shall be plainly against the statutory scheme of Section 101(1). When the statutory scheme is clear and unambiguous, there is no role of any interpretive process to find out the jurisdiction of NCLT to extend the period of Moratorium when statute provides a date for cessation of the Moratorium it cannot be extended by the Adjudicating Authority or by this Tribunal against the statutory intent under Section 101(1).”

14. The appeal was dismissed holding that the prayer for extension of moratorium cannot be allowed. The above judgment is thus a precedent on the question that moratorium period which is statutorily fixed cannot be extended by the Tribunal. In the facts of the said case, PIRP was extended by the Tribunal itself for 90 days beyond 180 days which facts have been noticed.

15. Another judgement which has been placed reliance by the counsel for the appellant is **‘Shiv Kumar Goel’ (supra)**. In the above case, where application filed by the RP for extension of PIRP by 30 days was rejected,

against which order, the appeal has been filed. The facts have been noticed in paragraph 2 of the judgment, which is as follows:

“2. These appeals have been against the same order dated 23.05.2025 passed in IA No. 2477 of 2025 by which order the application filed by RP to extend the time for completion of Personal Insolvency Resolution Process by 30 days have been rejected. The Personal Insolvency Resolution Process against the personal guarantor commenced on 10.07.2024. Personal Guarantor has submitted a repayment plan on 10.10.2024 and the meeting of CoC was called by the RP. Ld. Counsel for the appellant submits that there are large number of Financial Creditors i.e; Banks who had to vote on the repayment plan and on the request received from FCs the Adjudicating Authority was requested to extend the period and the Adjudicating Authority has extended the period for completion of personal insolvency resolution Process till 19th May, 2025. It is submitted that 11th CoC Meeting was convened on 15.05.2025 which noticed that voting has already commenced from 10.03.2025 and about 61% of members have cast their votes and 39% of members were still to cast their votes. State Bank of India and the Union Bank requested for 30 days more time to complete their voting on account of new policy which was introduced. Under the heading “to consider filing of timeline extension application in view of voting time required by sub-creditors delayed detailed deliberation took place” it was notice in the minutes that to facilitate further extension of the voting period PIRP must be extended by the additional 30 days and the current PIRP period is scheduled to conclude on 19.05.2025. The Central Bank has suggested to put the resolution for extending the PIRP period to vote and the said resolution was approved resolving to seek extension by 30 days. Consequent, to said resolution passed on 15.05.2025 application was filed by the RP for extension. The prayer was to grant extension, in application was filed by the RP following prayer was made:-

“Prayer:-

In the aforesaid facts and circumstances, it is most humbly and respectfully prayed that this Hon'ble Tribunal may be pleased to:

i. Grant extension of 4th extension of 30 days from 20.05.2025 till 19.06.2025 in the PIRP period to vote on the resolution plan and submit his report in terms of section 112 of IBC, 2016;

ii. Pass such order or directions as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.”

which application came to be rejected by the impugned order. Adjudicating Authority while rejecting the application has made observations at pg-46:-

“we have already shown enough indulgence in extending the period of IRP time and again. However, there appears to be a lack of seriousness in the attitude, conduct, and approach of the parties concerned. We have developed the semblance that they are taking the procedure before this Tribunal for ride.”

16. This Tribunal after noticing the minutes of the creditors who had prayed for extension of 30 days time beyond 180 days noticed that voting on the repayment plan was going on. The order of the adjudicating authority rejecting the application was held unsustainable and the appeal was allowed directing for extension by 30 days. In paragraph 6, following was held:

“6. In the facts of the case where repayment plan is to be voted and voting has been going and 61% had been voted and request was only made by SBI and Union Bank of India for 30 days in response to which the application was filed. We do not approve the observations of the Adjudicating Authority that there appears to be lack of seriousness in the attitude conduct and approach of the parties concerned. The personal guarantor after having submitted repayment plan it was for the CoC to vote and take a decision thereafter. We thus are of the view that order rejecting the application cannot be sustained, in result the order dated 23.05.2025 in IA No. 2477/2025 is set aside we allow extension of 30 days for completing the e-voting on the repayment plan. RP to take necessary steps for complete the voting within 30 days from today after conclusion of voting further steps shall be taken for correspondence. The RP has suggested that in view of the voting having been disrupted all creditors be asked

to vote. Let RP issue necessary appropriate notices to all creditors for voting.”

17. The above judgment clearly supports the submissions of the appellant and is a clear precedence where this Tribunal has allowed the extension of PIRP. When we look into the statutory scheme, it is clear that although the moratorium period is limited till 180 days maximum, the statutory provisions does not limit the PIRP period to any particular period. Regulation 19 of the 2019 Regulations as noted above required repayment plan to be submitted before the adjudicating authority within 120 days. Regulation 19 of the 2019 Regulations as quoted above is thus only procedural provisions and has to be held to be directory.

18. We may also refer to the judgment of this Tribunal in [**Comp. App. (AT) (Ins.) No. 1173/2024**] in the matter of **‘Mr. Vikas Gautamchand Jain’** which was an appeal filed by the RP challenging the order of the adjudicating authority, where prayer for extension of Pre-Package Insolvency Resolution Process (PPIRP) for 60 days was rejected. The question arose in the above case is as to whether period for PPIRP which is fixed in 54D as 120 days is mandatory. The question and the statutory provisions were noticed in paragraphs 13 & 14 of the judgment following was observed:

*“**13.** The provisions of Section 54D(1) provide PPIRP **shall be completed** within a period of 120 days from the PPIRP commencement date. Sub-Section (3) of Section 54D further provides when no Resolution Plan is approved by the CoC within time period referred to in sub-Section (ii) **RP shall, on the day after the expiry of such period,** file an Application with the Adjudicating Authority for termination of PPIRP.*

***14.** The question to be answered in this Appeal is as to whether maximum time period of 120 days provided for completion of process is mandatory and on*

completion of the time period, the PPIRP has to be terminated and after 90 days in event, the Resolution Plan was not approved, RP has to file an Application for termination of the proceeding.”

19. The judgment of the Hon’ble Supreme Court in **‘Committee of Creditors of Essar Steel India Ltd.’ Vs. ‘Satish Kumar Gupta & Ors.’** reported in **[(2020) 8 SCC 531]**, was referred to. In paragraphs 19, 20 & 21 of the judgment, following was held:

“19. We may also notice the Judgment of the Hon’ble Supreme Court in the matter of ‘Committee of Creditors of Essar Steel India Ltd.’ Vs. ‘Satish Kumar Gupta & Ors.’ in (2020) 8 SCC 531, in which case Hon’ble Supreme Court had occasion to consider the provisions of Section 12 of the IBC. Section 12 of the IBC came to be amended by adding second proviso by Act 26/2019, which provided that Corporate Insolvency Resolution Process (‘CIRP’) shall mandatorily be completed within a period of 330 days from the insolvency commencement date. The second proviso of Section 12 provides as follows:

“....Provided further that the corporate insolvency resolution process shall mandatorily be completed within a period of three hundred and thirty days from the insolvency commencement date, including any extension of the period of corporate insolvency resolution process granted under this section and the time taken in legal proceedings in relation to such resolution process of the corporate debtor....”

20. The Hon’ble Supreme Court had occasion to consider the said second proviso in **‘Committee of Creditors of Essar Steel India Ltd.’ (Supra)**. The second proviso which provided for mandatory completion of CIRP within 330 days came for consideration before the Hon’ble Supreme Court in the above case and Hon’ble Supreme Court has struck down the word “mandatorily”. It was held by the Hon’ble Supreme Court that in appropriate case even after 330 days, Adjudicating Authority or Appellate Tribunal can extend the period. It is useful to extract following observations in Paragraph 127 of the Judgment:

“127.Thus, while leaving the provision otherwise intact, we strike down the word “mandatorily” as being manifestly arbitrary under Article 14 of the Constitution of India and as being an excessive and unreasonable restriction on the litigant's right to carry on business under Article 19(1)(g) of the Constitution. The effect of this declaration is that ordinarily the time taken in relation to the corporate resolution process of the corporate debtor must be completed within the outer limit of 330 days from the insolvency commencement date, including extensions and the time taken in legal proceedings. However, on the facts of a given case, if it can be shown to the Adjudicating Authority and/or Appellate Tribunal under the Code that only a short period is left for completion of the insolvency resolution process beyond 330 days, and that it would be in the interest of all stakeholders that the corporate debtor be put back on its feet instead of being sent into liquidation and that the time taken in legal proceedings is largely due to factors owing to which the fault cannot be ascribed to the litigants before the Adjudicating Authority and/or Appellate Tribunal, the delay or a large part thereof being attributable to the tardy process of the Adjudicating Authority and/or the Appellate Tribunal itself, it may be open in such cases for the Adjudicating Authority and/or Appellate Tribunal to extend time beyond 330 days. Likewise, even under the newly added proviso to Section 12, if by reason of all the aforesaid factors the grace period of 90 days from the date of commencement of the Amending Act of 2019 is exceeded, there again a discretion can be exercised by the Adjudicating Authority and/or Appellate Tribunal to further extend time keeping the aforesaid parameters in mind. It is only in such exceptional cases that time can be extended, the general rule being that 330 days is the outer limit within which resolution of the stressed assets of the corporate debtor must take place beyond which the corporate debtor is to be driven into liquidation.”

21. *The above Judgment of the Hon'ble Supreme Court clearly indicates that where legislature provided for mandatorily completion of CIRP within 330 days the word “mandatory” was struck down and it was held*

that in appropriate cases, Adjudicating Authority shall have jurisdiction to extend the time beyond 330 days.”

20. This Tribunal in paragraph 22 further held that interpretation put by the Hon’ble Supreme Court in **‘Committee of Creditors of Essar Steel India Ltd.’ (supra)** with respect to second proviso of Section 12 is very well applicable by interpreting the proviso of Section 54B. In the above case, various judgments of the Hon’ble Supreme Court on statutory interpretation were noticed and in paragraph 29, following was held:

“29. When we look into the provisions of Section 54D, it is clear that the provision does not contemplate any automatic termination of the PPIRP, the provision contemplates for filing of an Application by RP seeking termination of the process. The discretion of the Court is very well contemplated in the Scheme of the Statutory Scheme and Adjudicating Authority is free to exercise its statutory discretion while ordering termination of the proceeding. Thus, even if period of 120 days has been passed and the question of termination of proceeding comes for consideration before the Adjudicating Authority. Adjudicating Authority on sufficient reason can refuse termination and the proceeding and extend the period, which shall be within its jurisdiction. The Adjudicating Authority has taken the view in the Impugned Order that when the Resolution Plan is not approved within 90 days, RP was obliged to pray for termination of the proceeding and after expiry of 120 days, proceedings have to be terminated.”

21. This Tribunal in the above case has set aside the order of the adjudicating authority and directed for extension of PPIRP period for 90 days. Above judgment of this Tribunal fully supports the submission of the appellant that in appropriate case, the period for PIRP can be extended. We, however, make it clear that extension of such PIRP period shall not mean extension of moratorium whose outer limit is 180 days.

22. In view of our foregoing discussions, appellant has made out a case for extension of PIRP period. In result all the appeals are allowed. Impugned order dated 28.01.2026 in I.A. No.136/2026 in C.P. No.400(IB)/MB/2024 in I.A. No.137/2026 in C.P. No.717(IB)/MB/2023 in I.A. No.138/2026 in C.P. No.719(IB)/MB/2023 in I.A. No.139/2026 in C.P. No.398(IB)/MB/2024 in I.A. No.146/2026 in C.P. No. (IB)399/MB/2024 & in I.A. No.141/2026 in C.P. No.718(IB)/MB/2023 are set aside and the respective IAs are allowed.

23. By the order 28.01.2026, extension was sought till 15.01.2026 which date has already come to an end. We have also noticed that repayment plan has already approved with 100% creditors, hence we allow the above applications by extending the period of PIRP till 15.03.2026, during which period, the RP to submit report before the adjudicating authority for passing an order on the repayment plan.

Parties shall bear their own costs.

[Justice Ashok Bhushan]
Chairperson

[Indevar Pandey]
Member (Technical)

NEW DELHI

26th February, 2026

himanshu