

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Comp. App. (AT) (Ins) No. 564 of 2026 &
I.A. No. 2177 of 2026

IN THE MATTER OF:

Sahaj Vishwas Urja P. Ltd.

...Appellant(s)

Versus

Nivaya Resources Pvt. Ltd

...Respondent(s)

Present:

**For Appellant : Mr. Yashwardhan Tiwari, Mr. Anmol Jha,
Ms. Richa Tiwari, Advocates**

**For Respondents : Mr. Asheesh Jain, Sr. Advocate with Mr. Raghav
Kakkar, Mr. Deepak Agarwal, Advocates**

O R D E R
(Hybrid Mode)

27.03.2026 **I.A. No. 2177 of 2026** This is an Application praying for condonation of delay of 11 days in filing the Appeal.

We find sufficient cause has been shown in Paragraph 2 of the Application.

Delay condoned.

Comp. App. (AT) (Ins) No. 564 of 2026 Heard Ld. Counsel for Appellant and Ld. Counsel appearing for the Respondent.

2. This Appeal has been filed against the order passed by the Adjudicating Authority dated 20/01/2026 in I.A. 294/2025.

3. I.A. was filed by operational creditor, the Respondent herein, where following prayers were made:

“a) To take on record the date of Default as April 5, 2019.

b) To take on record the documents annexed in the present Application; and

c) Pass any such other order(s) as may be deemed fit and proper by this Hon'ble Tribunal in the facts and circumstances of the case”

4. The Adjudicating Authority, by the impugned order has allowed the Application and taken the documents on the record and permitted the Applicant to move an appropriate amendment Application.

5. Ld. Counsel for Appellant, challenging the order, submitted that Adjudicating Authority, in the impugned order has relied on Railway receipt for the berthing of the vessel, which is mentioned in Paragraph 2 (iv).

6. It is submitted that the Railway receipt can never be evidence for berthing hence the said observations are not correct.

7. Ld. Counsel for Respondent, refuting the submissions, submitted that in the Reply, which was filed by the Corporate Debtor before the Adjudicating Authority, the date of berthing itself was claimed by the CD in the year 2018/ 2019, hence, the said was not an issue.

8. The Adjudicating Authority by the impugned order, has taken on record the document where the Operational Creditor is claiming date of default as 05/04/2019.

9. The amendment has been permitted on being satisfied with the materials on the record. By permitting the amendment, it cannot be said that Adjudicating Authority had recorded any findings with regard to date of default and the said issue can always be canvassed when the Appeal is heard on merits.

10. We thus do not find any error in the order allowing the Application.
11. With the above observations, **Appeal is dismissed.**

[Justice Ashok Bhushan]
Chairperson

[Barun Mitra]
Member (Technical)

Prerana/md