NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Comp. App. (AT) (Ins) No. 324 of 2026 & I.A. No. 1231 of 2026

IN THE MATTER OF:

Employees Provident Fund Organisation, Kandivali **...Appellant(s)**

Versus

Kailash Shah Resolution Professional of IT Source Technologies Ltd **...Respondent(s)**

Present:

For Appellant	**:**	Mr. Kaushal Gautam, Mrinal Sharma, Varshika Singh, Snehpreet Kaur, Hemant Dalal, Adv.
For Respondents	**:**	

O R D E R
(Hybrid Mode)

09.04.2026: **I.A. No. 1231 of 2026**: This is an application praying for condonation of delay of 15 days in filing of the appeal.

2. The Appeal has been filed by Employees Provident Fund Organisation. In para 'ii' and 'iii' of the application sufficient cause has been shown for condonation of delay. Delay condoned.

Comp. App. (AT) (Ins) No. 324 of 2026

1. Heard Ld. Counsel for the Appellant.

2. The appeal has been filed against the order dated 28.11.2025 passed by the NCLT, Mumbai Bench by which I.A No. 3257 of 2025 filed by the Appellant was dismissed.

3. The appellant by the application sought the direction to admit the claim for amount of Rs. 1,12,35,162/-. The Adjudicating Authority heard the parties and taking the note of judgment of this Tribunal has held that the assessment having been made after the insolvency commencement date, the claim cannot

be admitted. The following observations has been made in pg. 93 of the impugned order which is as under;-

> We have considered the facts of the case, submissions of the learned counsel for the parties and observe that the claim of EPFO are based on the inspection report and the assessment orders passed after the insolvency commencement date which is 06.09.2024 in this case. When such facts are not in dispute, the binding precedence of the Judgment of Hon'ble NCLAT in the aforesaid case bearing no. Company Appeal (AT) (Insolvency) No. 1062 of 2024 with Company Appeal (AT) (Insolvency) No. 1065 of 2024 & I.A. No. 3665 of 2024, shall squarely cover this case and accordingly, the rejection communicated by the Resolution Professional to the Applicant herein is in line with such Judgment of Hon'ble NCLAT and cannot be interfered with. Accordingly, the prayers made in this IA by the Applicant cannot be granted and therefore the IA is dismissed.

4. Ld. for the Appellant submits that even though the assessment order has been passed subsequently but the period related to prior to insolvency commencement, hence, the claim ought to have admitted.

5. This Tribunal has already taken the view in Company Appeal (AT) (Insolvency) No. 1062 of 2024 with Company Appeal (AT) (Insolvency) No. 1065 of 2024 decided on 03.01.2025 that after initiation of moratorium no assessment proceedings can be continued by EPFO which is prohibited.

6. We are thus of the view that no error has been committed by the Adjudicating Authority in not admitting the claim. Hence, there is no merit in the appeal and the appeal is dismissed.

[Justice Ashok Bhushan]
Chairperson

[Mr. Barun Mitra]
Member (Technical)

Sheetal/Manu