

**NATIONAL COMPANY LAW TRIBUNAL,**  
**MUMBAI BENCH COURT VI**  
**SPECIAL BENCH**

Item No. 02.

IA(I.B.C)/ 4183(MB)2024      IA(I.B.C)/ 4227(MB)2024  
IN      TP (IBC)/4(MB)2024

CORAM

**SHRI SANJIV DUTT**  
**HON'BLE MEMBER (TECHNICAL)**

**SHRI K. R. SAJI KUMAR**  
**HON'BLE MEMBER (JUDICIAL)**

**ORDER SHEET OF HEARING (HYBRID) DATED 11.07.2025**

NAME OF THE PARTIES :      **Arya Corporate Advisors And Resolutions**  
**Vs**  
**Envision Scientific Private Limited**

**For OC : Absent.**

**For CD : Absent.**

**IBC under Sec. 9**

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**ORDER**

**IA(I.B.C)/4183(MB)2024    IA(I.B.C)/4227(MB)2024**  
**IN      TP (IBC)/4(MB)2024**

Pronounced in the open court *vide* separate Order. The above  
**IA(I.B.C)/4183(MB)2024    and    IA(I.B.C)/4227(MB)2024** are dismissed and  
**TP (IBC)/4(MB)2024** is **Rejected**. Order will be uploaded today.

**Sd/-**  
**SANJIV DUTT**  
**MEMBER (TECHNICAL)**

//SKS//

**Sd/-**  
**K. R. SAJI KUMAR**  
**MEMBER (JUDICIAL)**



**IN THE NATIONAL COMPANY LAW TRIBUNAL MUMBAI - BENCH-VI**

**IA (I.B.C) No. 4183/MB/2024 & 4227/MB/2024**

**IN**

**TP (IB) No. 4/MB/2024**

*[Under Section 60(5) of the Insolvency and Bankruptcy Code, 2016 r/w Rule 11 of the National Company Law Tribunal Rules, 2016]*

**ARYA CORPORATE ADVISORS AND RESOLUTIONS**

**[Through its Proprietor- Mr. Amit Pravin Doshi]**

**Registered Office:** 1110, 11<sup>th</sup> Floor, Techno IT Park  
Near Eksar Metro Station, Link Road, Borivali (West)  
Mumbai-400092, Maharashtra.

**...Applicant**

Versus

**ENVISION SCIENTIFIC PRIVATE LIMITED**

[CIN: U24230GJ2008PTC055732]

**Registered Office:** Office No. 1-3. Silver Palm II  
Near Sneh Milan Garden, Kadampalli, Nanpura  
Surat-395001, Gujarat.

**...Respondent**

IN THE MATTER OF:

**ARYA CORPORATE ADVISORS AND RESOLUTIONS**

**...Operational Creditor**

V/s

**ENVISION SCIENTIFIC PRIVATE LIMITED**

**...Corporate Debtor**

**Pronounced: 11.07.2025**

**CORAM:**

**HON'BLE SHRI K. R. SAJI KUMAR, MEMBER (JUDICIAL)**

**HON'BLE SHRI SANJIV DUTT, MEMBER (TECHNICAL)**



**Appearances: Hybrid**

Operational Creditor/Applicant: Adv. Deepak Khosla

Corporate Debtor/Respondent: Adv. Ankita Singhania a/w. Adv. Saahil Menon, Adv. Noel Thomas and Adv. Jahnvi Pandey i/b. Link Legal.

**ORDER**

**[PER: BENCH]**

**1. BACKGROUND**

1.1 This C.P. (IB) No. 149/AHM/2022 (Original CP) was filed on 29.05.2022, before NCLT Ahmedabad, under Section 9 of the Insolvency and Bankruptcy Code, 2016 (IBC) read with Rule 6 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016 (AAA Rules) by Arya Corporate Advisors and Resolution, the Operational Creditor (OC), through Mr. Amit Pravin Doshi, Proprietor of the OC, for initiating Corporate Insolvency Resolution Process (CIRP) in respect of Envision Scientific Private Limited, the Corporate Debtor (CD) for alleged operational debt of Rs.1,08,97,640/- and default date of 10.05.2022.

1.2 The Original CP was dismissed (now Rejected) by NCLT Ahmedabad, *vide* its order dated 13.05.2024 (Rejection Order) on the ground of non-fulfilment of the minimum threshold limit of Rs.1,00,00,000/- as prescribed under Section 4 of the IBC. Aggrieved by the Rejection Order, the Applicant/OC filed the IA(IBC) Nos. 961/AHM/2024 (Recall Application) on 19.06.2024 to recall the previous order dated 13.05.2024 of NCLT Ahmedabad in the



Original CP. Besides the recall application, the Applicant/OC also filed IA(IBC) No. 817/AHM/2024 to seek criminal proceedings against the Respondent/CD under Section 340 of the Criminal Procedure Code, 1973 (Cr. PC) (Perjury Application).

- 1.3 Later, the Bench of NCLT Ahmedabad, which passed the Rejection Order, recused itself from the Original CP and related applications, *vide* its order dated 26.06.2024. Subsequently, the Original CP as well as Recall and Perjury Application were transferred to this Bench, *vide* order dated 05.07.2024 of the Hon'ble President and were renumbered as TP(IB) No. 4/MB/2024; IA(IBC) Nos. 4183/MB/2024 & 4227/MB/2024, respectively.

### **IA (IBC) No. 4183/MB/2024**

## **2. CONTENTIONS OF APPLICANT/OC**

- 2.1 The Applicant/OC contends that it is the Original Applicant/OC in IA(IBC) No. 961/AHM/2024, seeking recall of the Rejection Order dated 13.05.2024, passed by NCLT Ahmedabad in CP(IB) No. 149/AHM/2022. It is submitted that the Rejection Order was not only obtained by the Respondent/CD through false statements in its Affidavit-in-Reply and Additional Affidavit dated 24.04.2024, but also ignored binding provisions of the Micro, Small and Medium Enterprises Development Act, 2006 (MSMED Act), etc.
- 2.2 Contrary to the Respondent's contention, IA(IBC) No. 4183/MB/2024, is not a review application rather an application for recall. Further, the



Applicant/OC produced the checklist for Section 9 application of Court-V of this Tribunal, wherein the Applicant is said to have complied with contents of the said checklist.

- 2.3 There is existence of operational debt against the Respondent/CD and there is no pre-existing dispute between the parties as evident from the Affidavit dated 23.05.2022, under Section 9(3)(b) of the IBC in the Original CP. Further, the Applicant had produced the copy of record of the National E-Governance Services Limited (NeSL), wherein default allegedly committed by the Respondent/CD was deemed to be authenticated on 09.06.2022. There is admission of debt as evidenced by Form 16A (TDS Certificate), issued by Respondent/CD by its email dated 17.10.2022 and the Respondent/CD had even made part-payment of Rs.30,00,000/- to the Applicant/OC on 27.05.2022. This is another evidence of debt due to the Respondent/CD towards the Applicant/OC. However, the NCLT Ahmedabad Bench in its Rejection Order had ignored these aspects as well as judicial precedents of Hon'ble NCLAT over treating interest as part of the operational debt subject to provision for the same in the contract.
- 2.4 Proceedings under Section 7 and 9 of the IBC are summary in nature and the Adjudicating Authority cannot act like a trial court to adjudicate the matter. In fact, the interest sought by the Applicant/OC in the present matter is based on contract as well as MSMED Act.
- 2.5 The Applicant/OC submits that there exists a specific stipulation regarding charging of interest in the contract which was ignored by NCLT Ahmedabad Bench in its rejection order, and thus, decisions of the Principal Bench of



the Hon'ble NCLAT, New Delhi in *Shitanshu Bipin Vora, Suspended Director of Exclusive Linen Fabrices Pvt. Ltd. Vs. Shree Hari Yarns Pvt. Ltd. and Anr.*, [Company Appeal (AT) (Insolvency) No. 2204 of 2024] and NCLT Mumbai in *Susee Automotive Pvt. Ltd. Vs. Skoda Auto Volkswagen India Pvt. Ltd.*, [IA(IBC) No. 1116/MB/2024 and CP(IB) No. 1107/MB/2023] are not applicable as the facts and circumstances are distinguishable to that of the present matter.

- 2.6 In view of the above, the Applicant/OC prays for allowing the IA(IBC) No.4183/2024 thereby recalling the Rejection Order dated 13.05.2024, passed by the NCLT Ahmedabad Bench.

### **3. CONTENTIONS OF RESPONDENT/CD**

- 3.1 The Rejection Order passed by NCLT Ahmedabad Bench is a valid order which neither suffers from inherent lack of jurisdiction nor there is any existence of fraud or collusion in obtaining the Rejection Order by the Respondent/CD. Since no ground exists in the said Rejection Order for recalling the same, the IA(IBC) No. 4183/MB/2024 is not maintainable and thus, the aforesaid Rejection Order cannot be recalled by this Tribunal.
- 3.2 It is submitted that the amount of Rs.30,00,000/- was paid to the Applicant/OC by the Respondent on 27.05.2022, which was prior to the receipt of demand notice dated 11.05.2022 under Section 8 of the IBC, pursuant to which the default amount was less than the threshold limit of Rs.1,00,00,000/- in terms of Section 4 of the IBC. The NCLT Ahmedabad Bench had the jurisdiction to adjudicate the Original CP since the CD's



registered office is situated in Surat, Gujarat, which is within the territorial jurisdiction of NCLT Ahmedabad Bench. Further, the Original CP was validly rejected by the NCLT Ahmedabad on the ground of deficiency under Section 4 of the IBC, and thus, the Applicant's contention about inherent lack of jurisdiction is misplaced. To support its contention, the Respondent/CD relied upon the decision of Hon'ble Supreme Court in *Budhia Swain and Others Vs. Gopinath Deb and Others.*, [(1999) 4 SCC 396].

3.3 Under the garb of Recall Application, the Applicant has attempted to seek review of the Rejection Order, which is nothing but sheer abuse of process of law. The Applicant has failed to produce any evidence to justify applicability of recall under Rule 11 of the National Company Law Tribunal Rules, 2016. Further, the Rejection Order of NCLT Ahmedabad Bench was based on the finding that the default amount fell below the threshold limit of Rs.1,00,00,000/- under Section 4 of the IBC, and not on the basis of statements produced in the Paragraph 80 of the said IA.

3.4 The Applicant/OC has demonstrated inconsistency in its contention regarding the part-payment of Rs.30,00,000/-, wherein it acknowledges its receipt but asserts its relation with additional services while it actually failed to produce any invoice in its support and the Applicant/OC admits the same during the proceeding on 26.04.2024, before the NCLT Ahmedabad Bench. This failure led to the conclusion that the part-payment was already made by the Respondent/CD post issuance of demand notice dated 11.05.2022,



to the Applicant/OC, towards the alleged debt owed as per Paragraph 18 & 19 of the aforesaid Rejection Order.

3.5 The remedy for the Applicant/OC in the present matter was to file the appeal before Hon'ble NCLAT, which it failed to do and deliberately attempted to seek review of the Rejection Order in the Recall Application i.e., IA(IBC) No. 4183/MB/2024. In view of the above, the Respondent/CD prays that the said IA be dismissed.

**IA (IBC) No. 4227/MB/2024**

**4. CONTENTIONS OF APPLICANT/OC**

4.1 It is submitted that the Respondent/CD has made false statement and fabricated circumstances for obtaining the Rejection Order in its favour in the Original CP, wherein the Respondent/CD made various false statements as produced in the Paragraph 4 of the aforesaid IA. These statements were not backed by any documentary evidence.

4.2 There is no requirement of providing an opportunity of hearing or issuing notice to the Respondent/CD regarding conducting preliminary inquiry for the alleged false statements made on oath by the Respondent/CD in the Original CP to obtain the Rejection Order in its favour. The Applicant/OC has sufficiently made out a prima facie case of the offences committed by the Respondent/CD. The Applicant/OC relied upon the decision of Hon'ble Supreme Court in *Pritish Vs. State of Maharashtra and Ors.* [AIR 2002 SC 236] and *State of Punjab Vs. Jasbir Singh.*, [(2022) SCC OnLine SC 1240].



4.3 The Chief Operating Officer of the Respondent/CD i.e., Mr. Avinash Shejale made false statements on oath before NCLT Ahmedabad Bench in the Respondent's Affidavit-in-Reply dated 13.08.2022, and in Additional Affidavit dated 24.04.2024 in the Original CP, which amounts to criminal offence under Section 191, 193, 199, 200 and 209 of the Indian Penal Code, 1860 (IPC). In view of the misconduct by Mr. Shejale on behalf of the Respondent/CD, the Applicant/OC seeks initiation of criminal proceeding against the Respondent/CD under Section 340 of the Cr. PC.

## **5. CONTENTIONS OF RESPONDENT/CD**

- 5.1 The Applicant/OC's contention that the Respondent/CD committed fraud to obtain the said Rejection Order is misplaced since the statements made in the Respondent/CD's Affidavit-in-Reply as well as Additional Affidavit dated 24.04.2024 were filed in response to the Original CP during the pendency of its adjudication and not in the present Recall Application i.e., IA(IBC) No. 4183/MB/2024. The alleged statements as produced in the Paragraph 4 of the said IA have been quoted without context and it does not amount to fraud on the Tribunal.
- 5.2 There is no fraud or collusion committed by the Respondent/CD to obtain the said Rejection Order. The Applicant/OC's allegations about false statements require examination of evidence, which cannot be determined by NCLT in a summary proceeding. To support its contention, the Respondent/CD relied upon the decision of Hon'ble NCLAT, New Delhi in



*Satori Global Limited and Ors. Vs. Shailja Krishna & Ors.*, [Company Appeal (AT) Nos. 379/2018 and 295/2018].

5.3 There is lack of evidence to prove any criminal liability against the Respondent/CD and its Chief Operating Officer, and thus, the provisions of the IPC and Cr. PC. are not applicable in the present matter.

5.4 The IA filed by the Applicant/OC is only with the intention to harass the CD. The fact that the Applicant/OC failed to produce any relevant documents for substantiating its case shows the frivolous nature of the IA. In view of the foregoing reasons, the Respondent/CD prays that this IA may be dismissed.

## **6. ANALYSIS AND FINDINGS**

6.1 We have perused all the documents and pleadings in the IA(IBC) Nos. 4183/MB/2024 and 4227/MB/2024 and heard both the Ld. Counsel for the Applicant/OC and the Respondent/CD.

6.2 The issues to be determined in the present matter are (i) Whether the Rejection Order dated 13.05.2024 can be recalled; and (ii) Maintainability of IA(IBC) No. 4227/MB/2024 against the Respondent/CD.

6.3 As far as the recalling of the NCLT Ahmedabad's order dated 13.05.2024 in the Original CP is concerned, it is observed that the Applicant/OC raised contentions such as not allowing interest under the MSMED Act; alleged absence of name of the Hon'ble Member, NCLT Ahmedabad Bench, who authored the Rejection Order, etc., in seeking recall of the Rejection Order. However, upon perusal of the Rejection Order, it is found that the Original CP was dismissed on ground of non-fulfilment of threshold limit of One



Crore Rupees after taking into account the part-payment of Rs. 30,00,000/- made to the Applicant/OC on 27.05.2022. Regarding the contention of interest under the MSMED Act and other grounds, these issues were to be agitated before the NCLT Ahmedabad Bench, which cannot be agitated before us. We find that the attempt of the Applicant/OC is to seek review of the final Rejection Order passed by NCLT, Ahmedabad Bench, for which this coordinate Bench does not have power or authority, either under the IBC or the NCLT Rules.

6.4 Further, it is seen that the Applicant/OC had moved IA(IBC) No. 4225/MB/2024 praying for rectification of the Rejection Order, wherein it was mentioned that the Original CP was “dismissed” in Paragraph 19 of the Order. We heard the Applicant and rectified the Order by correcting the term “dismissed” as “rejected” *vide* order dated 23.09.2024. Once the Rejection Order has attained finality, this coordinate Bench does not have jurisdiction to entertain an application to recall the final Order passed in the matter. In view of the above, the issue (i) is decided against the Applicant/OC.

6.5 The second and final issue to be decided is whether the IA(IBC) No. 4227/MB/2024 filed by the Applicant/CD is maintainable under law. We observe that the Applicant/OC had also filed Transfer Petition, T.P(IB) No. 2/MB/2025 before this Tribunal during the pendency of the aforesaid IAs. The facts of the said Transfer Petition are similar to that of the Original CP. This was observed by Court V of this Tribunal in its order dated 29.04.2025



in TP(IB) No. 2/MB/2025, wherein the said Transfer Petition was rejected on the ground of *res judicata* and abuse of process of law.

6.6 Be that as it may, we observe that the Applicant/OC has attempted to seek review of the decision of NCLT Ahmedabad Bench in the Original CP under the garb of the present recall application, which is a sheer misuse of law and thus, it cannot be allowed. The Applicant/OC is not entitled to re-litigate the same matter before us, against which a final Rejection Order was passed by NCLT Ahmedabad Bench. The only remedy available to the Applicant/OC in the Original CP, on rejection, was to file an appeal before Hon'ble NCLAT, which was not done in the present matter. There is no evidence to show that the Respondent/CD had made any false statement in its Affidavit-in-Reply or in the Additional Affidavit dated 24.04.2024, during the pendency of the Original CP before NCLT Ahmedabad Bench. There is nothing on record to suggest that the Rejection Order was secured through any false statement on oath by the Respondent/CD. In view of the above, we hold that there is no requirement of conducting any preliminary inquiry under Section 340 of the Cr. PC against the Respondent/CD and thus, the issue (ii) is decided against the Applicant/OC.

### **ORDER**

In the result, **IA(IBC) No. 4183/MB/2024 and 4227/MB/2024**, filed by Arya Corporate and Advisors Resolution, the Applicant/OC, under Section 60(5) of the IBC, for recalling the Rejection Order dated 13.05.2024 of NCLT Ahmedabad Bench in CP(IB) No. 149/AHM/2022, and seeking criminal



IN THE NATIONAL COMPANY LAW TRIBUNAL MUMBAI BENCH-VI

IA (I.B.C) No. 4183/MB/2024 & 4227/MB/2024

in

TP (IB) No. 4/MB/2024

proceedings against Envision Scientific Private Limited, the Respondent/CD,  
are **dismissed. Consequently, TP(IB) No. 4/MB/2024 is rejected.**

We make it clear that any observations made in this order should not be construed as expressing opinion on merits. The right of the Applicant/OC before any other judicial forum shall not be prejudiced on the grounds of rejection of this Application.

**Sd/-  
SANJIV DUTT  
MEMBER (TECHNICAL)**

**Sd/-  
K. R. SAJI KUMAR  
MEMBER (JUDICIAL)**

//LRA-Tanmay Jain//