

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Comp. App. (AT) (Ins) No. 1072 of 2026

IN THE MATTER OF:

Vaibhav Mercantile Ltd.

...Appellant

Versus

S. Kaliyammal

...Respondent

Present:

For Appellant : Mr. Ramji Srinivasan, Sr. Adv. along with Mr. Akshit Pradhan, Ms. Shefali Mande, Mr. Divyansh Agrawal & Mr. Aryansh Tripathi, Adv.

For Respondent : Mr. G. Vairava Subramanian, Adv.

O R D E R
(Hybrid Mode)

[Per : Mohammad Faiz Alam Khan (Oral)]

09.09.2026 Heard Learned Counsel for the Appellant as well as Shri G. Vairava Subramanian, Learned Counsel for the Respondent. Perused the record.

2. By filing the instant appeal, the Appellant has challenged the Impugned Order dated 23.04.2026 passed by the Learned Adjudicating Authority in C.P.(IB)/1416(MB)2025 in the matter of *Sindhu Steels Vs Vaibhav Mercantile Ltd.*, whereby the right of the Respondent (Appellant herein) to file reply has been closed.

3. Learned Counsel for the Appellant submits that the Appellant (Respondent herein) had appeared before the Learned Adjudicating Authority for the very first time on 17.03.2026 and thereafter the direction was given to Applicant to supply the copy of the application and affidavit to

the Appellant which was supplied on the same date, however, the reply could not be filed within the time granted by the Learned Adjudicating Authority.

4. Learned Counsel for the Appellant herein submits that due to unavoidable circumstances and lack of correct legal advice, the reply in the proceedings before the Learned Adjudicating Authority could not be filed within the time stipulated by the Learned Adjudicating Authority.

5. It is further submitted that the Appellant is contesting the *lis* with all due diligence and its intention was never to linger on the proceedings and since, it is only on one occasion that Appellant has not filed the reply, some more time in the interest of justice, should have been provided by the Learned Adjudicating Authority for filing of reply.

6. It is further submitted that the Appellant undertakes that if a week's time would be granted to the Appellant, he will file the reply and will not seek any adjournment w.r.t. the same on any ground whatsoever.

7. Learned Counsel for the Respondent however submits that ample time was granted by the Learned Adjudicating Authority to the Appellant to file the reply and it appears that the Appellant has deliberately not filed the reply and therefore, the correct order has been passed by the Learned Adjudicating Authority, which does not require any interference.

8. We have heard Learned Counsel for the Parties and perused the record. We notice that it is an admitted fact between the parties that the Appellant had appeared before the Learned Adjudicating Authority on

17.03.2026, for the very first time and on that date, as has been recorded by the Learned Adjudicating Authority in the Impugned Order, the copy of the application along with the copy of the additional affidavit was provided to him and thereafter, ten days time was also granted for the purpose of filing the reply and the matter was posted for 23.04.2026 and on that day, when the matter was taken up, noticing that the reply has not been filed, despite grant of time, the Learned Adjudicating Authority has closed the right of the Respondent to file the reply.

9. We also notice that by the same order the parties were directed to file the short synopsis of their argument, which according to the Learned Counsel for the Parties appearing before us, has already been filed.

10. We are of the considered view that since only one opportunity was granted by the Learned Adjudicating Authority to the Respondent (Appellant) to file the reply and when the same was not filed the opportunity was closed, one last and final opportunity may still be provided to the Appellant to file its reply before the Learned Adjudicating Authority, more so, when the proceedings before the Learned Adjudicating Authority are still pending and even the final arguments have not been heard (as admitted by Learned Counsel for the Parties).

11. In view of the above facts and circumstances, we dispose of this appeal in following terms :-

- (i) The Impugned Order passed by the Learned Adjudicating Authority is set aside.

(ii) Liberty is granted to the Appellant (Respondent before the Learned Adjudicating Authority) to file its reply before the Learned Adjudicating Authority, within seven days from today with an advance copy to Learned Counsel for the Appellant and by any means, the said reply should have been filed in the office of the Learned Adjudicating Authority till 16.09.2026.

(iii) The Respondent (Applicant before the Learned Adjudicating Authority) would also be entitled to file a rejoinder w.r.t. the reply which may be filed by the Appellant within next seven days, thereafter.

Thereafter, the Learned Adjudicating Authority would take the matter to its logical conclusion, strictly in accordance with law.

12. The appeal is disposed of in above manner. There is no order as to cost. Pending I.A.'s, if any, are also closed.

[Justice Mohammad Faiz Alam Khan]
Member (Judicial)

[Mr. Naresh Salecha]
Member (Technical)

Sim/mr