

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 13015/2025  
[Arising out of impugned final judgment and order dated 11-03-2025  
in IA No. 4547/2024 in CPIBNo. 322/MB/2023 passed by the National  
Company Law Tribunal, Mumbai Bench]

M/S. PERFECT INFRAENGINEERS LIMITED

Petitioner(s)

VERSUS

TECHNOLOGY DEVELOPMENT BOARD

Respondent(s)

IA No. 116499/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT

IA No. 116501/2025 - EXEMPTION FROM FILING O.T.

WITH

Diary No(s). 5213/2025 (XVII)[FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA  
112308/2025FOR CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS ON IA  
112309/2025IA No. 112309/2025 - CONDONATION OF DELAY IN REFILING / CURING THE  
DEFECTSIA No. 112308/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT

Date : 19-05-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KUMAR

HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) :

Mr. Mathews J Nedumpara, Adv.

Ms. Maria Nedumpara, Adv.

Ms. Hemali Suresh Kurne, Adv.

Mr. Shameem Fayiz, Adv.

Mr. Chand Qureshi, AOR

Ms. Avantikaa Bhardwaj, Adv.

Respondent(s) :

Signature Not Verified  
Digitally signed by  
SONIA BHADIN  
Date: 2025.05.20  
16:54:22 IST  
Reason: 

UPON hearing the counsel, the Court made the following

## O R D E R

These special leave petitions are filed against the orders passed by the National Company Law Tribunal, Mumbai Bench, Maharashtra (NCLT, in short).

The Corporate Debtor is shown as the petitioner herein but, surprisingly, it is represented by a Promoter/Director. Once a petition under Section 7 of the Insolvency and Bankruptcy Code, 2016 (for brevity, 'the IBC') is admitted by the NCLT, the Corporate Debtor necessarily has to be represented by the Interim Resolution Professional/Resolution Professional, and not by its erstwhile management.

Further, arguments advanced before us on behalf of the petitioner focus upon the purported reasons as to why the NCLT ought not to have admitted the petition filed under Section 7 of the IBC.

Any grievance with regard to admission of a petition under Section 7 of the IBC must be canvassed by way of an appeal before the National Company Law Appellate Tribunal and not by way of a petition under Article 136 of the Constitution.

In this regard we may refer to the decision of a 3-Judge Bench of this Court in '*Gopal Krishnan MS & another Vs. Ravindra Beleyur & Another*' (Special

Leave Petition (Civil) Diary No. 2341 of 2023, decided on 2<sup>nd</sup> January, 2024), wherein it was observed thus:

*'Since the impugned order of the National Company Law Appellate Tribunal dated 28 September 2022 is amenable to the appellate jurisdiction of this Court under Section 62 of the Insolvency and Bankruptcy Code 2016, we decline to entertain a petition under Article 136 of the Constitution. The bar of limitation cannot be obviated or circumvented by taking recourse of proceedings under Article 136 of the Constitution when a statutory appeal is available. We accordingly decline to entertain the Special Leave Petitions only on that ground leaving it open to the petitioner to adopt appropriate remedies in accordance with law.'*

Though the above observations were made in the context of orders passed by the National Company Law Appellate Tribunal which would be appealable before this Court, the principle would equally apply to orders passed by the NCLT which would be appealable before the National Company Law Appellate Tribunal.

The special leave petitions are, therefore, not maintainable and the same are, accordingly, dismissed.

Pending application(s), if any, shall stand disposed of.

(SONIA BHASIN)  
ASSISTANT REGISTRAR-CUM-PS

(PREETI SAXENA)  
COURT MASTER (NSH)

