NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Insolvency) No. 2002 of 2026

IN THE MATTER OF:

Vimal Plast (India) Pvt. Ltd. **...Appellant(s)**

Versus

Rukmani Polymers Pvt. Ltd. **...Respondent(s)**

Present:

For Appellant : Mr. Vipul Ganda, Sr. Advocate with Mr. Vishal Ganda Ms. Arpita Salme Ms. Nitu Barik, Ms. Chhavi Jain Ms. Rashi Agarwal, Advocates.

For Respondents : Mr. Krishnendu Datta, Sr. Advocate with Mr. Anand M. Mishra and Mr. Yash Tandon, Advocates.

WITH
Company Appeal (AT) (Insolvency) No. 2003 of 2026

IN THE MATTER OF:

Vimal Plast (India) Pvt. Ltd. **...Appellant(s)**

Versus

Rukmani Polymers Private Limited **...Respondent(s)**

Present:

For Appellant : Mr. Vipul Ganda, Sr. Advocate with Mr. Vishal Ganda Ms. Arpita Salme Ms. Nitu Barik, Ms. Chhavi Jain Ms. Rashi Agarwal, Advocates.

For Respondents : Mr. Krishnendu Datta, Sr. Advocate with Mr. Anand M. Mishra and Mr. Yash Tandon, Advocates.

O R D E R
(Hybrid Mode)

16.10.2026: These are two appeals, *a)* challenging the order dated *21.09.2026* passed by the Ld. NCLT, New Delhi in *CP No. 284 of 2026* which order says the petition has been reserved for orders and *b)* against dismissal of recall application *I.A. No. 4845 of 2026* on *07.10.2026*.

2. As the facts goes, a petition was filed under Section *9* of the IBC, 2016 before the Ld. NCLT *viz C.P.(IB) No. 284(ND)/2026* in which notice was issued on *02.07.2026*. Despite advance notice, the Appellant did not appear and the matter was listed on *29.07.2026* for formal service of the Appellant and also for filing a non-collusive affidavit by the Respondent herein.

3. Admittedly, the service of the petition under Section *9* of the IBC, 2016 was affected upon the Appellant on *10.07.2026, 13.07.2026* and *29.07.2026* by all modes, however, despite service the Appellant did not appear before the Ld. NCLT on *29.07.2026* and in the interest of justice one more opportunity was granted to the Appellant to file the reply by *19.08.2026*. Admittedly, no reply was filed till *19.08.2026*, though a Vakalatnama was filed.

4. The Ld. Sr. Counsel for the Appellant submits no time period for filing a reply was ever given in order dated *29.07.2026* but this submission is contrary to the order dated *29.07.2026* as under:

> *"Learned Counsel for the Operational Creditor is present and has submitted that as per the order dated 02.07.2026, they have served the notice and filed the proof of service. The same is available on e-portal of the Tribunal. No one has appeared on behalf of the Corporate Debtor at the time of hearing.* ***One opportunity is granted to the Corporate Debtor to appear and file their response****, failing which, the matter shall be proceeded as per law. Learned Counsel for the applicant has submitted that in terms of our order, they have filed an affidavit and the same is under scrutiny. List this matter on 19.08.2026."*

5. The matter was then listed on *21.09.2026* and as per the Appellant the reply was e-filed on *20.09.2026* but it could not be brought on record and hence on *21.09.2026*, the matter was reserved for orders by the Ld. NCLT after hearing both parties. Thereafter, *I.A. No. 4845 of 2026* was filed by the Appellant to recall the order dated *21.09.2026* and to take the reply filed by the Appellant on record.

6. Though it is stated the reply was e-filed on *21.09.2026* but it is the submission of the Ld. Sr. Counsel for the Respondent herein the said reply was an incomplete reply since it was only of *50* pages but whereas the reply actually filed along with recall application was of *250* pages. There is admittedly no reply of *50* pages on record. The said recall application was dismissed. We are of the view the recall application was even otherwise not maintainable in view of the fact the jurisdiction was never challenged nor was the case of the Appellant that an opportunity of being heard was not given and further there was no allegation of fraud, misrepresentation, etc. and hence recall application was rightly dismissed.

7. In any case, the matter is reserved for orders by the Ld. NCLT and thus we need to wait for the decision but since looking at the efforts of the Appellant that he tried to file the reply on two occasions, hence at this stage we can only give an opportunity to the Appellant to file a synopsis within a week from today which if the judgment is not pronounced then the Ld. NCLT may consider the submissions before passing the order.

8. Both the appeals are disposed of in terms of the above. Pending application(s) *viz. I.A. Nos. 7565, 7566, 7567, 7580, 7581 and 7582 of 2026* are closed in both these appeals.

Dasti

[Justice Yogesh Khanna]
Officiating Chairperson

[Mr. Barun Mitra]
Member (Technical)

[Mr. Ajai Das Mehrotra]
Member (Technical)

Ram N./Manu D.