

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Comp. App. (AT) (Ins) No. 1757 of 2026

IN THE MATTER OF:

JSB Cement LLP

...Appellant(s)

Versus

Catalyst Trusteeship Limited
Present:

...Respondent(s)

For Appellant(s) : Mr. Joy Saha, Sr. Advocate with Mr. Kartikey Bhatt, Mr. Parag Chatruvedi, Mr. Ayush Mathur, Advocates.
For Respondent(s) : Mr. Abhijeet Sinha, Sr. Advocate with Mr. S. Biswas, Mr. Siddhant Kant, Mr. Moulshree Shukla, Mr. Yugal Jain, Ms. Gayathri Balasubramanian, Ms. Vidushi, Ms. Heena Kochar, Mr. Harsh Gurbani, Ms. Arushi Handa, Advocates.

O R D E R
(Hybrid Mode)

17.09.2026: The instant appeal has been preferred by the appellant (Respondent before the Ld. Adjudicating Authority) challenging the impugned order dated 10.09.2026 whereby the IA No. 159 of 2026 moved in CP IB 41 of 2026 moved by the appellant for recall of the order dated 04.08.2026 and to restore the right of the appellant to file reply is dismissed.

2. Ld. Sr. Counsel appearing for the Appellant Mr. Joy Saha submits that on 09.06.2026 the aforesaid Company Petition was taken up for hearing and the next date of hearing was given as 07.07.2026.

3. It is further submitted that on 18.07.2026 the appellant requested the respondent to furnish necessary documents required by the appellant for preparation of its reply and when the documents were not supplied another email was sent on 22.07.2026 and 24.07.2026.

4. It is further submitted that on 27.07.2026 the Ld. Adjudicating Authority directed the parties to complete the pleadings and the next date of hearing was fixed as 04.08.2026. The Appellant sent further reminders to the Respondent seeking aforesaid documents.

5. It is further submitted that in another proceeding pending between the same parties being CP IB No. 40 of 2026 an application bearing IA No. 145 of 2026 was moved for recall of the order dated 27.07.2026 wherein the direction was given to file the reply till 04.08.2026.

6. It is further submitted that on 04.08.2026 when the aforesaid application was being heard the appellant demanded the copies of the relevant documents however the Respondent refused to provide the same and on 04.08.2026, the right to file the reply was closed in that matter.

7. It is further submitted that the appellant filed an IA No. 159 of 2026 in the instant matter seeking recall of the order dated 04.08.2026 and restoration of the appellants right to file the reply however by passing the impugned order the application moved by the appellant was dismissed and the petition was listed for further proceedings.

8. Ld. Sr. Counsel appearing for the Appellant submits that it is not a case where the appellant has deliberately did not file the reply however the appellant was requiring certain documents for filing of the reply and has made repeated requests to the Respondent to provide the said documents and when the said documents were not provided the delay in filing the reply has occurred.

9. It is further submitted that it is only on 27.07.2026 the parties were directed to complete the pleadings and when the appellant could not file the

reply till the next date i.e. 04.08.2026 the right to the Respondent to file the reply was closed and thereafter a recall application has been filed on 19.08.2026 requesting to recall the order dated 04.08.2026 on the ground that the documents were not supplied by the Respondents and it is on this score the reply has not been filed.

10. It is also submitted that the appellant also informs the Ld. Adjudicating Authority that the reply on behalf of the appellant is ready and may be filed however the application has been rejected by passing the impugned order.

11. It is also submitted that the appellant would file the reply within the stipulated time which may be provided by this Appellate Tribunal and would also cooperate in the early disposal of the proceedings and if any opportunity to file the reply is not granted the appellant would suffer irreparable loss, thus, the appeal be allowed and appellant be provided an opportunity to file the reply before the Ld. Adjudicating Authority.

12. Shri Abhijeet Sinha Ld. Sr. Counsel appearing for the Respondent however vehemently opposes the submissions made by Ld. Sr. Counsel for the Appellant on the ground that all the documents which were allegedly demanded by the appellant were provided along with the copy of the petition as the same were part and parcel of Part V of the application and it is not a case of the appellant that copy of the petition was not provided to him.

13. It is further submitted that the proceedings pending before the Ld. Adjudicating Authority are summary proceedings and as per the amended provisions of the IBC, 2016 the Adjudicating Authority is bound to dispose of the application filed under Section 7 of the Code within 14 days from its filing and therefore no illegality or irregularity has been committed by the

adjudicating authority more so when no reply was filed along with the recall application.

14. We have heard Ld. Counsel for the parties and have perused the record.

15. It appears to be an admitted factual situation that on 27.07.2026, the adjudicating authority had directed the parties to complete the pleadings before the next date of hearing and the proceedings were posted on 04.08.2026. The appellant did not file the reply and on 04.08.2026 the adjudicating authority closed the right of the appellant to file the reply.

16. The perusal of the order dated 04.08.2026, would reveal that the Counsel for the Respondent had submitted that the matter may be heard in the main CP however the Counsel for the Appellant submitted that the matter cannot be heard today as it can be heard with the connected matter CP IB No. 40 of 2026 and in this background noticing that the reply has not been filed by the appellant the right of the Respondent to file the reply was closed and the next date in the matter was fixed as 20.08.2026.

17. It is also reflected that before the date fixed in the petition an application for recall of the order dated 04.08.2026 was moved by the appellant being IA No. 159 of 2026 to recall the order dated 04.08.2026. Thus, the application for recall of the order appears to have been moved timely. However, the same has been rejected by passing the impugned order on the ground that the proceedings under Section 7 of the Code are to be proceeded expeditiously and pendency of the connected matter cannot to be a ground to defer and adjourn another case.

18. We are of the considered view that so far it is possible and a grave prejudice is not occurring to the other party the dispute between the parties

should be adjudicated on merits after providing an opportunity of being heard and of filing pleadings, to the parties.

19. We notice that it was only on 27.07.2026 the parties were directed to complete the pleadings and on the next date i.e. 04.08.2026 the order has been passed closing the opportunity of the appellant to file reply.

20. We are of the considered view that no grave prejudice would be caused to the Respondent if the appellant may be provided a last opportunity to file the reply, however subject to some costs.

21. We have been informed that the petition which was listed today before the Ld. Adjudicating Authority has now been adjourned to 21.09.2026.

22. Keeping in view all the facts and circumstances of the case, the appeal filed by the appellant is **disposed** of with following directions:

(i)The appellant shall file the reply in the aforesaid petition with an advance copy to the Respondent till Friday i.e. 18.09.2026.

(ii) Respondent (Petitioner) if desire may file rejoinder to the reply which may be filed by the appellant with an advance copy to the other side till Monday i.e. 21.09.2026.

(iii)The parties shall remain represented before the Ld. Adjudicating Authority on 21.09.2026 and will co-operate in the early disposal of the petition pending before the Ld. Adjudicating Authority. It is specifically provided that the Respondent shall not be accorded any adjournment on that date.

(iv)We request Ld. Adjudicating Authority to take the proceedings pending before it to its logical end strictly in accordance with law.

(v)The appellant shall deposit cost of Rs. 50,000/- in the Prime Ministers Relief Fund within three working days from today.

[Justice Mohammad Faiz Alam Khan]
Member (Judicial)

[Naresh Salecha]
Member (Technical)

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