

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ /2026
(@ SLP(C) No. 30538/2025)

BCIL ZED RIA PROPERTIES PVT. LTD. & ANR.

APPELLANT(S)

VERSUS

ARAVIND

RESPONDENT(S)

O R D E R

1. Leave granted.
2. M/s. Aishu Dreamland Private Limited, the Successful Resolution Applicant¹, that took over and stepped into the shoes of the Corporate Debtor, BCIL ZED RIA Properties Pvt. Ltd., is aggrieved by the order dated 05.03.2025 passed by the High Court of Judicature at Madras in Writ Petition No. 10749/2024.
3. By the said order, the High Court confirmed the order dated 30.01.2024 passed by the National Consumer Disputes Resolution Commission², New Delhi, in First Appeal No. 591/2023, refusing to condone delay of 105 days in the filing of the said appeal by the SRA against the order dated 11.10.2022 passed by the Tamil Nadu State Consumer Disputes Redressal Commission³ in Complaint No. 16/2019.

1 For short "SRA"

2 For short "NCDRC"

3 For short "SCDRC"

4. A few crucial facts may be noted for the effective disposal of this appeal.
5. Corporate Insolvency Resolution Process against the Corporate Debtor, BCIL ZED RIA Properties Pvt. Ltd, was initiated on 09.08.2018. In effect, the moratorium under Section 14 of the Insolvency and Bankruptcy Code, 2016⁴, started operating from the said date.
6. In terms of the said statutory provision, it was not open to any litigant to initiate fresh litigation or continue with pending litigation against the Corporate Debtor, BCIL ZED RIA Properties Pvt. Ltd. While so, the respondent approached the SCDRC only on 04.12.2018 with his consumer complaint against the Corporate Debtor in relation to his Sale and Construction Agreement dated 25.01.2016.
7. Unmindful of the statutory scheme of the IBC, the SCDRC passed *ex parte* order dated 11.10.2022, allowing the complaint case filed by the respondent, and directed the Corporate Debtor to refund certain amounts along with interest and costs.
8. Upon finding out about the passing of the said order, the SRA of the Corporate Debtor filed an appeal before the NCDRC along with an application to condone the delay of 105 days in preferring the said appeal. This application came to be dismissed by the NCDRC and was, thereafter, confirmed by the High Court, *vide* the impugned order.
9. Given the aforestated facts, it is clear that the very filing of the consumer complaint against the Corporate Debtor was hit

4 For short "IBC"

by the moratorium order and the SRA, therefore, had an arguable case to raise before the NCDRC. The delay on its part was also not substantial and given the fact that the order passed by the SCDRC was an *ex parte* one, the NCDRC ought to have been more liberal in considering the condone delay application.

10. The appeal is, accordingly, allowed, setting aside the orders passed by the High Court as well as the NCDRC. The delay of 105 days in the filing of First Appeal No. 591/2023 is condoned. The said appeal shall stand restored to the file of the NCDRC and the same shall be considered on merits and in accordance with law expeditiously.

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

.....J.
(SANJAY KUMAR)

.....J.
(K. VINOD CHANDRAN)

NEW DELHI;
MAY 18, 2026.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SPetition for Special Leave to Appeal (C) No. 30538/2025

[Arising out of impugned final judgment and order dated 05-03-2025 in WP No. 10749/2024 passed by the High Court of Judicature at Madras]

BCIL ZED RIA PROPERTIES PVT. LTD. & ANR.

Petitioner(s)

VERSUS

ARAVIND

Respondent(s)

(FOR ADMISSION AND IA No. 258482/2025 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

Date : 18-05-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KUMAR
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) Mr. N. S. Nappinai, Adv.
Mr. Rakesh K. Sharma, AOR

For Respondent(s) Mr. Mayilsamy K, Adv.
Mr. P. Somasundaram, Adv.
Mr. Arun Pandiyan S, Adv.
Ms. Pragya Gupta, Adv.
Mr. Naijal Kumar P, AOR

UPON hearing the counsel, the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

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

(BABITA PANDEY)
AR-cum-PS

(CHETNA BALOONI)
COURT MASTER (NSH)

(Signed order is placed on the file)

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSPetition for Special Leave to Appeal (C) No. 30538/2025

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(BABITA PANDEY)
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(Signed order is placed on the file)