

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL**  
**PRINCIPAL BENCH, NEW DELHI**

**Comp. App. (AT) No. 192 of 2026 &**  
**I.A. No. 3566 of 2026**

**IN THE MATTER OF:**

**Udayan Sen** **...Appellant(s)**

**Versus**

**Union of India** **...Respondent(s)**

**Present:**

**For Appellant** : **Mr. Arun Kathpalia, Sr. Advocate with Ms. Aayushi Sharma Khazanchi, Ms. Prachi Dhanani, Mr. Raushan Kumar, Mr. Ayush Sachan, Ms. Diksha Gupta and Mr. Aditya Dhupar, Advocates.**

**For Respondents** : **Mr. Aditya Sikka, Ms. Onshi Jakhar and Ms. Yuganshi Singh, Advocates.**

**With**

**Comp. App. (AT) No. 193 of 2026 &**  
**I.A. No. 3570 of 2026**

**IN THE MATTER OF:**

**Kalpesh Mehta** **...Appellant(s)**

**Versus**

**Union of India** **...Respondent(s)**

**Present:**

**For Appellant** : **Mr. Arun Kathpalia, Sr. Advocate with Ms. Aayushi Sharma Khazanchi, Ms. Prachi Dhanani, Mr. Raushan Kumar, Mr. Ayush Sachan, Ms. Diksha Gupta and Mr. Aditya Dhupar, Advocates.**

**For Respondents** : **Mr. Aditya Sikka, Ms. Onshi Jakhar and Ms. Yuganshi Singh, Advocates.**

With  
Comp. App. (AT) No. 199 of 2026

**IN THE MATTER OF:**

**Deloitte Haskins and Sells LLP** **...Appellant(s)**

**Versus**

**Union of India** **...Respondent(s)**

**Present:**

**For Appellant** : Mr. Niranjana Reddy, Sr. Advocate with Mr. Mahesh Agarwal, Mr. Rishi Agarwala, Mr. Pratham Vir Agarwal and Mr. Rajat Sinha, Ms. Prachi Dhanani, Advocates.

**For Respondents** : Mr. Aditya Sikka, Ms. Onshi Jakhar and Ms. Yuganshi Singh, Advocates.

With  
Comp. App. (AT) No. 200 of 2026

**IN THE MATTER OF:**

**Ravi Bansal** **...Appellant(s)**

**Versus**

**Union of India** **...Respondent(s)**

**Present:**

**For Appellant** : Mr. Jayant Mehta, Sr. Advocate with Mr. Prateek Khanna, Ms. Rumella Jain, Ms. Pranjul Jain, Mr. Pallav Arora, Advocates

**For Respondents** : Mr. Aditya Sikka, Ms. Onshi Jakhar and Ms. Yuganshi Singh, Advocates.

**With**  
**Comp. App. (AT) No. 201 of 2026**

**IN THE MATTER OF:**

**SRBC & Co LLP** **...Appellant(s)**

**Versus**

**Union of India** **...Respondent(s)**

**Present:**

**For Appellant** : **Mr. Kosh John, Mr. Prateek Khanna, Mr. Rumella Jain, Ms. Pranjul Jain, Advocates**

**For Respondents** : **Mr. Aditya Sikka, Ms. Onshi Jakhar and Ms. Yuganshi Singh, Advocates.**

**With**  
**Comp. App. (AT) No. 214 of 2026**

**IN THE MATTER OF:**

**B S R & Associates LLP** **...Appellant(s)**

**Versus**

**Union of India, Ministry of Corporate Affairs** **...Respondent(s)**

**Present:**

**For Appellant** : **Mr. Sajan Poovayya, Sr. Advocate with Mr. Vijayendra Paratap Singh, Mr. Raghav Seth, Ms. Shreya Chaudhary, Mr. Shivam Jain, Ms. Raksha Agrawal, Advocates**

**For Respondents** : **Mr. Aditya Sikka, Ms. Onshi Jakhar and Ms. Yuganshi Singh, Advocates.**

**ORDER**  
**(Hybrid Mode)**

**26.05.2026** These Appeals have been filed by the Appellant, challenging the order passed by Adjudicating Authority dated 24/03/2026 in Company Petition 3638/MB/2018.

2. There are different I.As. raising preliminary issues, as well as in the Reply regarding maintainability of the Application under Section 339 of the Companies Act, 2013.

3. Ld. Counsel for Appellant submits that Appellants are Auditor/ Auditor Firm who have audited the IL&FS Companies, which are subject matter of consideration in the Company Petition 3638/MB/2018 filed under Section 241/ 242 of the Companies Act.

4. It is submitted that on the basis of Reports received, the Auditor were impleaded and the Applications have been filed to proceed under Section 339 against the Auditors.

5. The question of maintainability issue was raised by the Appellant, which have been rejected by the impugned order. Ld. Counsel for Appellant contends that Section 339(1) refers to the Director/ Manager or Officer of the Company or any person who are knowingly Party to the carrying on the business of the Company. It is submitted that as Auditor, the Appellant had not been Parties to carrying on the business.

6. It is submitted that disqualification is attached under Section 141 of the Companies Act to the Auditor and they cannot be covered under the expression “any person, who are knowingly Parties to the carrying on the business.” It is submitted that Auditor/ Auditor Firm is not covered by expression views under Section 339(1).

7. The Adjudicating Authority committed error in rejecting the Application objecting to the maintainability of proceeding under Section 339 against the Appellant.

8. Shri Aditya Sikka, Ld. Counsel appearing for the Respondent, refuting the submission of the Appellant contends that the expression “Persons who are knowingly Parties to the carrying on the business” is a wide expression which can cover any person who was participant in the business of the Company and the Auditors can very well be covered by the expression “who were knowingly Parties to the carrying on the business.”

9. Ld. Counsel for Appellant has also placed reliance on judgement of the Hon’ble Supreme Court in **2024(SCC)122 Usha Ananthasubramanian v. Union of India** and another judgement of the Hon’ble Supreme Court being **2023(8) SCC 56, Union of India v. Deloitte Haskins and Sells LLP and Ors** in Paragraph 108.

10. The submissions raised by Ld. Counsels for Parties need consideration. Union of India is represented by Ld. Counsel Shri Aditya Sikka. No fresh Notice need to be issued.

11. Respondent is allowed two week time to file a Reply. Rejoinder, if any, be filed within two weeks thereafter.

12. We observe that question of maintainability of Section 339 proceeding in subject matter of concern in the Appeal, no further action under 339 can be taken against the Appellant. We make it clear that the Parties shall be free to press other pending Applications for impleadment or interim reliefs, except the proceeding with regard to which we have passed the order.

13. List these Appeals for admission/ disposal on **15/07/2026**.

**[Justice Ashok Bhushan]  
Chairperson**

**[Barun Mitra]  
Member (Technical)**

*Prerana/md*