NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Comp. App. (AT) (Ins) No. 1820 of 2026
&
I.A. No. 7744 of 2026

IN THE MATTER OF:

Kamlesh Kumar Upadhyay **...Appellant(s)**
(Suspended Director) Kashyapi Infrastructure Pvt. Ltd.

Versus

Satya Prakash Gupta **...Respondent(s)**
(IRP Appointed) & Ors.

Present:

For Appellant(s) : Mr. Prashant Katara, Ms. Vanshika Puri, Advocates.
For Respondent(s) : Mr. Rishabh Singh, Advocate.
Mr. Apoorv Sarvaria, Ms. Yashika Sarvaria, Ms. Khushboo Sharma, Advocates for R-1.
Mr. Devul Dighe, Advocate for R-2.
Ms. Jagriti Ahuja, Mr. Akaash Nandwani, Advocates for R-3.

O R D E R
(Hybrid Mode)

04.11.2026: It is informed that the Respondents have filed their reply and the appellant Counsel fairly submits that he will not file any rejoinder to the same.

We heard Ld. Counsel for the Appellant for quite some time.

During the course of deliberation, Ld. Counsel for the Appellant has taken a ground that the petition before the Adjudicating Authority has been filed before the stipulated ten days given in the notice under Section 8 of the Code. Elaborating further it is submitted that the notice under Section 8 of the Code was received by the Appellant on 25.06.2025 and the petition before

the Adjudicating Authority has been filed on 05.07.2025 therefore the same has been filed within ten days, against the mandate provided under Section 9 of the Code.

At this juncture, Ld. Counsel for the Respondent has drawn our attention towards the reply filed by the appellant with regard to the Section 8 notice wherein it is admitted by the appellant that the notice under Section 8 of the Code has been received on 24.06.2025. By this date prima facie the petition filed on 05.07.2025 appears to be after ten days.

Ld. Counsel for the Respondent/OC submits that he will bring some more documents on record because the instant ground was not taken in the memo of appeal, to highlight that the petition has been filed after the stipulated ten days given in the notice.

Having heard Ld. Counsel for the parties and having perused the record, we provide an opportunity to the parties to bring on record any document in support of their submissions which was/were available before the Adjudicating Authority, within two days from today.

List accordingly on **06.11.2026** as the first case on the board.

Interim order to continue.

[Justice Mohammad Faiz Alam Khan]
Member (Judicial)

[Naresh Salecha]
Member (Technical)

sr/kam