

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Comp. App. (AT) (Ins) No. 1755 of 2026

IN THE MATTER OF:

JUD Cements Limited

...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. K. Datta, Sr. Advocate with Mr. S. Biswas, Mr. Siddhant Kant, Mr. Moulshree Shukla, Mr. Yugal Jain, Ms. Gayathri Balasubramanian, Ms. Vidushi, Mr. Yash Tandon, Mr. Harsh Gurbani, Ms. Arushi Handa, Advocates.

O R D E R
(Hybrid Mode)

17.09.2026: Heard Shri Joy Saha, Ld. Sr. Counsel appearing for the Appellant as well as Shri Krishnendu Datta, Ld. Sr. Counsel appearing for the Respondent and perused the record.

2. The instant appeal has been filed by the appellant challenging the impugned order of date 10.09.2026 passed by Ld. Adjudicating Authority with regard to the IA No. 160 of 2026 moved in CP IB No. 40 of 2026 whereby the recall application moved by the appellant has been dismissed.

3. Ld. Sr. Counsel appearing for the appellant submits that it was on 02.06.2026, the notice in the petition moved by the Respondent before Ld. Adjudicating Authority under Section 7 of the Code were issued and the appellant appeared on 07.07.2026, however on 07.07.2026 an IA No. 112 of 2026 was moved by the Respondent requesting for interim moratorium and

on that day an opportunity was also provided to the appellant to file the reply/counter with regard to the IA No. 112 of 2026.

4. He further submits that on 18.07.2026 and 22.07.2026 the appellant has sought two documents from the Respondent by writing email however no document was provided and thereafter the appellant filed its reply to IA No. 112 of 2026 on 24.07.2026.

5. It is further submitted that on 27.07.2026 it was for the very first time the appellant was directed to file the reply however when the documents sought for were not supplied the appellant moved an IA No. 145 of 2026 on 04.08.2026 requesting to provide the documents indicated therein however the said IA was dismissed on 10.08.2026 and simultaneously the right of the appellant to file the reply was also forfeited.

6. It is further submitted that on 19.08.2026, IA No. 160 of 2026 was moved by the appellant to recall the order dated 10.08.2026 however the said application was also dismissed by passing the impugned order.

7. It is vehemently submitted that it is not a case where the appellant has knowingly not filed the reply and under an impression that by passing order dated 07.07.2026, opportunity has been given to the appellant to file the reply vis a vis the IA No. 112 of 2026 the appellant filed the reply with regard to the IA No. 112 of 2026 and since the document sought were not provided by the Respondent and IA No. 145 of 2026 was moved in good faith under the advice of the Counsel which was however was dismissed on 10.08.2026 and the right of the appellant to file his reply was also forfeited.

8. It is vehemently submitted that even if the application moved by the appellant i.e. I.A. No. 145 of 2026 was being dismissed by the adjudicating authority simultaneously some reasonable time should have been provided for the purpose of filing the reply.

9. It is submitted that the reply on behalf of the appellant is ready and the same may be filed within the time which may be stipulated by this Appellate Tribunal however the intention of the appellant has never been to delay the proceeding pending before the Ld. Adjudicating Authority and it is undertaken that the appellant, if any opportunity is given, would file the reply at once and would also co-operate in the early disposal of the proceedings pending before the adjudicating authority.

10. Shri Krishnendu Datta, Ld. Sr. Counsel appearing for the Respondent however vehemently opposes the submissions made by Ld. Sr. Counsel for the Appellant and submits that it is the mandate in the amendment provisions of the IBC to dispose of the application moved under Section 7 within 14 days and in this regard the timeline which has been provided assumes significance.

11. It is further submitted that despite all the documents which were sought for were available with the petition filed by the Respondent, a copy of which was already provided to the appellant, however deliberately the reply was not filed and despite a clear indication by the Ld. Adjudicating Authority in its order dated 07.07.2026 to file the reply with regard to the IA No. 112 of 2026 as well as in CP IB No. 40 of 2026 the selective approach has been adopted by the appellant in only filing the reply pertaining to the IA No. 112 of 2026.

12. It is further submitted that appellant has misused the opportunity given by the Ld. Adjudicating Authority and has not even come before this Appellate Tribunal with clean hands and has not enclosed any copy of the reply which is stated to be ready and according to Ld. Counsel for the Appellant may be filed with the adjudicating authority.

13. It is submitted that the appeal is devoid of merit and be dismissed as such.

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

15. It is evident from the perusal of the record that on 18.07.2026 and 22.07.2026 the appellant had sought some documents from the Respondent, however, the contention of the Respondent is that these documents were at first available with the appellant and secondly the same were also provided by the trail email.

16. It also reflected that on 04.08.2026, IA No. 145 of 2026 was moved by the appellant to recall the order dated 27.07.2026 however the same was admittedly rejected on 10.08.2026 and it is also evident that the right to file the reply of the appellant was also forfeited by passing this order.

17. It also appears to be an admitted situation that on 19.08.2026 the recall application being IA No.160 of 2026 was filed by the appellant which has also been rejected by passing the impugned order.

18. It is also reflected that in paragraph no. 5 of the order dated 07.07.2026, it is stated that the Counsel for the Corporate Debtor (Appellant) entered appearance and sought time to address arguments on the applicants' prayer for grant of interim moratorium and he was directed to file his vakalatnama and thereafter in paragraph no. 6 it is stated that the Respondent seeks time

to file reply/counter and ten days' time was granted to file the same. The submission of the Ld. Counsel for the Appellant is that it is clear from the phraseology used in this order that the opportunity was granted only to submit a reply with regard to the IA No. 112/2026 and according to him for the very first time appellant was directed to file reply in the petition on 27.07.2026.

19. We however is of the considered view that unless and until a grave prejudice has occasioned to the other party the opportunity should be provided to the parties to contest the *lis* on merits.

20. The only error which in our considered opinion have occurred in the approach of the appellant is not to have filed the reply along with the reply which he has filed vis a vis the IA No. 112 of 2026.

21. We have been informed that the petition which was listed before the Id. Adjudicating Authority today has now been adjourned to Monday i.e. 21.09.2026 for arguments.

22. Having regard to all the facts and circumstances of this case, we are of the considered view that one opportunity at this stage may be provided to the appellant to immediately file the reply with consequential direction however subject to some cost.

23. In view of above, the appeal filed by the appellant is finally **disposed** of with the 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 Petitioner with an advance copy to the other side till Monday i.e. 21.09.2026.

(iii) the parties may remain present 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)

sr/kam