

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2414 OF 2026

Spectrum Trimplex Private Limited

... Petitioner

Versus

Pranav Damania and another

... Respondents

SWEETY
RAJU
BHALERAO

Mr. Dhruva Gandhi, a/w Ms. Henna Daulat and Mr. Gunjan Shah, i/b M/s
G.S. Legal, for Petitioner.

**CORAM : MANISH PITALE &
SHREERAM V. SHIRSAT, JJ.**

DATE : 28th AUGUST 2026.

PC:

1. Heard learned counsel for the Petitioner.
2. The Petitioner is a financial creditor of a company called VPhrase Analytics Solutions Private Limited, which has gone into voluntary liquidation under the provisions of the Insolvency and Bankruptcy Code, 2016 (IBC). The Petitioner is constrained to approach this Court in peculiar circumstances. A perusal of the prayer clause shows that the principal grievance of the Petitioner is that the Registry of the National Company Law Tribunal (NCLT), Mumbai Bench, represented by the Registrar as Respondent No. 2 in this petition, is not registering a company appeal filed by the Petitioner. The only reason for refusing to register the appeal is a defect pointed out by Respondent No. 2 to the effect that “main case” details are

not mentioned by the Petitioner in the appeal. The learned counsel for the Petitioner is at pains to point out that in the facts and circumstances of the present case and the nature of appeal filed on behalf of the Petitioner, there is no question of a “main case” existing and therefore, the objection regarding non-furnishing of details of the “main case” is wholly misplaced.

3. This Court had issued notice in the present writ petition on 13/03/2025, directing the Petitioner to serve Respondent No. 2, i.e., the Registrar of the NCLT and file an affidavit of service. We are informed that an affidavit of service dated 04/04/2025 along with proof of service was placed on record. The Registry to verify. For the convenience of this Court, a photocopy of the said affidavit along with its exhibits was tendered and the same is taken on record. A perusal of the same shows that on 17/03/2025, Respondent No. 2 was served by way of hand delivery and an acknowledgment is also seen in the document at Exhibit ‘A’.

4. Apart from this, today an affidavit of service dated 27/08/2026 is tendered, wherein a copy of an e-mail is referred to and annexed, showing that when circulation of the present petition was granted for today, Respondent No. 2 was served on 20/08/2026 by way of e-mail, informing the fact that the petition would be taken up for consideration today.

5. Considering that Respondent No. 2 is the Registrar of the NCLT, we see no reason to doubt the fact that the Petitioner has taken all efforts to serve the said Respondent by hand delivery as well as by e-mail. Despite

service, Respondent No. 2 has not appeared before this Court.

6. In this backdrop, we heard the learned counsel for the Petitioner. We find that initially, the Petitioner had filed a petition under Section 7 of the IBC as a financial creditor of the corporate debtor. But, by an order dated 04/10/2024, the said petition was dismissed on the short ground that the claim of the Petitioner was found to be valued at Rs. 93,79,692/-, which was below the threshold of Rs. 1 crore. The relevant discussion is found in paragraphs 22 to 25 of the said order dated 04/10/2024 passed by the NCLT, Mumbai.

7. Thereafter, the Petitioner approached Respondent No. 1, liquidator, raising its claim as a financial creditor. Respondent No. 1 is the liquidator appointed in the voluntary liquidation proceedings undertaken in the context of the said corporate debtor.

8. By an e-mail dated 23/10/2024, Respondent No. 1 liquidator, communicated to the Petitioner that he was under no obligation to recognize or acknowledge the claim of the Petitioner as a financial debt, on the sole ground that the petition filed by the Petitioner under Section 7 of the IBC was dismissed by the NCLT, Mumbai by the aforesaid order dated 04/10/2024. Aggrieved by the same, the Petitioner filed a Company Appeal before the NCLT. The appeal was filed as far back as on 29/10/2024 and till date, it has remained at the stage of scrutiny. We are informed that all other defects have been removed, but for the only remaining defect referred to

hereinabove. The relevant documents placed on record show that Respondent No. 2 has kept the appeal in scrutiny and not registered the same on the ground that the appeal suffers from the defect of non-mentioning of details of the “main case”. We find substance in the contention raised on behalf of the Petitioner that in the facts and circumstances of the present case, there can not be a “main case”, details of which are required to be placed on record in the appeal filed by the Petitioner.

9. A perusal of the memo of appeal, copy of which is placed on record with the petition, shows that it has been filed under Section 42 of the IBC, which was available to the Petitioner at the relevant time, being an appeal against a decision of the liquidator. This has to be read in conjunction with Section 59 under Chapter - V pertaining to voluntary liquidation of corporate persons. Section 59(6) of the IBC provides that the provisions of Sections 35 to 53 of the IBC shall apply to voluntary liquidation proceedings for corporate persons with such modifications as may be necessary.

10. There can be no dispute about the fact that the decision of Respondent No. 1- liquidator is in voluntary liquidation proceedings of the said corporate debtor. We find that the e-mail dated 23/10/2024 rejecting the claim of the Petitioner as a financial debt is certainly a decision of Respondent No. 1- liquidator in voluntary liquidation proceedings of the said corporate debtor. Therefore, the Petitioner is clearly entitled to pursue the said appeal filed under Section 42 of the IBC to challenge the aforesaid

decision of Respondent No. 1- liquidator.

11. In the facts and circumstances of the present case, there is no question of any “main case”, details of which would have to be placed on record for processing of the appeal and its eventual listing before the adjudicating authority, i.e., NCLT.

12. We are surprised that the Respondent No. 2, being the Registrar of the NCLT, has raised such a defect concerning the appeal filed by the Petitioner and on that count, the appeal filed as far back as on 29/10/2024 has remained in scrutiny and it has not been registered. We also find that the Assistant Registrar of NCLT, Mumbai has reached out to the Registrar of the NCLT at New Delhi for clarification in the matter. As a matter of fact, there ought to have been no confusion and hence, we do not find any reason for the Assistant Registrar of NCLT at Mumbai to reach out to the Registrar of NCLT at New Delhi for any clarification in the matter.

13. An appropriate appreciation of relevant provisions of the IBC makes it abundantly clear that the defect raised by Respondent No. 2, i.e., the Registrar of the NCLT in the facts and circumstances of the present case concerning the appeal filed by the Petitioner, is without any basis. For no reason, the appeal has remained pending from 29/10/2024 at the scrutiny stage, thereby depriving it of an opportunity to press for interim/final reliefs in the said appeal. Since, the documents on record show that, other than the

said defect, all the other defects have been taken care of by the Petitioner, there can be no impediment in allowing the writ petition in terms of prayer clause (a). As regards the other prayers in the present writ petition, the Petitioner would be at liberty to press the same, upon the appeal being registered, before the NCLT for appropriate orders.

14. In view of the above, the writ petition is allowed in terms of prayer clause (a) which reads as follows:

“(a) That this Hon’ble Court be pleased to issue a writ under Article 226 of the Constitution of India in the nature of Mandamus or any other appropriate order and directions against Respondent No. 2 to register Company Appeal E-filing No. 2709138105292024.”

15. Respondent No. 2- the Registrar of NCLT shall take necessary steps in the matter within one week from today and ensure that the appeal is registered and placed before the NCLT, Mumbai within one week of its registration.

16. This order shall be placed before the Registrar, NCLT, New Delhi also for issuing appropriate directions in the matter so that litigants similarly placed like the Petitioner herein do not face the difficulty as faced by the Petitioner in the present case.

(SHREERAM V. SHIRSAT, J.)

(MANISH PITALE, J.)