

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
PRINCIPAL BENCH

ITEM No. 03
(IB)-157(PB)/2026

IN THE MATTER OF:

Durian Industries Limited	...	Petitioner
Vs.		
NKG Infrastructure Limited	...	Respondent(s)

Order under Section 9 of the IBC, 2016.

Order delivered on 06.07.2026

CORAM:

JUSTICE ANUPINDER SINGH GREWAL
HON'BLE PRESIDENT

SHRI RAVINDRA CHATURVEDI
HON'BLE MEMBER (TECHNICAL)

HYBRID HEARING (PHYSICAL & VC)

PRESENT:

For the Petitioner : Mr. Vivek Jain, Mr. Paritosh Jain, Mr. Divyansh Jain, Mr. Rohit K. Nair
For the Respondent :

ORDER

New IA-2913/2026

1. The instant application has been preferred by the Applicant/Respondent in the main matter under Rule 11 r/w Rule 153 of the NCLT Rules, 2016 seeking condonation of delay of 29 days in filing the reply affidavit.
2. Ld. Counsel for the applicant submits that despite his best efforts he could not file the reply within the stipulated period. The reasons for the delay have been set out in Paras 5 to 8 and 11 of the application which are extracted as below:

“5. That, upon receiving the Application, the Respondent entity conducted a review of the documents in its

possession regarding the alleged transaction, which revealed that there were several discrepancies regarding the transactions. Over the period of 6 years, there were several communications/correspondences between the parties regarding the AIIMS Projects. The project relating to AIIMS Deoghar involved several transactions, inquiries and deliberations – all of which were managed by a dedicated team of the Respondent who was aware of the complete background and information of the transactions and the status of the work. However, several members of the said team are no longer employed with the Respondent entity.

6. *The absence of the employees of the Respondent who were responsible for the Applicant's project has led to a considerable delay in identifying relevant records, transactions and uncovering the complete details sufficient to place before this Hon'ble Tribunal the complete facts relating to the Project.*

7. *That, the Office of the Respondent is also functioning at a lesser strength due to the vacations that were ongoing.*

8. *That, 3 days after this Hon'ble Tribunal was pleased to grant time to the Respondent to file their reply, the Hon'ble Government of the NCT of Delhi issued an advisory for entities to encourage employees to work from home in view of the prevailing fuel situation.*

11. *That, the Reply by the Respondent herein has been filed with a delay of 29 days only due to the administrative hurdle faced by the Respondent.*

3. Having regard to the facts and circumstances of the case and the submission made by the Ld. Counsel for the Applicant, we are of the considered view that it would be in the interest of justice, if the delay of 29 days in filing the reply is condoned.
4. Ld. Counsel is directed to upload the Reply in the DMS/e-portal during the course of the day.
5. The application is **allowed and stands disposed of.**

-sd-

(ANUPINDER SINGH GREWAL)
PRESIDENT

-sd-

(RAVINDRA CHATURVEDI)
MEMBER (TECHNICAL)

DIPAK