

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Insolvency) No. 1382 of 2026

IN THE MATTER OF:

Tapasya Engineering Works Pvt. Ltd.

...Appellant

Versus

Eris Therapeutics Ltd.

...Respondent

Present:

For Appellant : Mr. Shashwat Parihar, Mr. Shashank Singh, Mr. Kartik Dabas and Mr. Ashish Mishra, Advocates.

For Respondent : Ms. Anushree Kapadia, Ms. Pragya Jaishwal and Mr. Pranay Bhardwaj, Advocates.

O R D E R
(Hybrid Mode)

03.08.2026: This appeal is filed against an impugned order dated 08.07.2026, whereby an application for recall of the order dated 13.05.2026 being not found on board, the matter was reserved for orders.

2. It is submitted by the learned counsel for the appellant the right of the appellant to file reply was closed and appellant was proceeded *ex-parte* on 13.05.2026. Later, on 02.07.2026 he filed an application for recall of the order dated 13.05.2026 and shared an e-filing number with the adjudicating authority but since it was observed there was no such I.A. reflected in the DMS, the adjudicating authority did not intervene and reserved the matter for orders.

3. The learned counsel for the appellant has shown us *Annexure A-16*, viz. a proof of filing of an application under Rule 11 on 02.07.2026 and its status shows it is in defect. It is the submission of the learned counsel for

the appellant he could not cure the defect within 5 days and the matter was taken up on 08.07.2026 wherein without giving opportunity to remove the defects and to place on record the application for recall.

4. Heard.

5. Now as *Annexure A-16* duly show the application for recall of the order dated 13.05.2026 was in fact filed on 02.07.2026, it would be appropriate if such application be heard on merits and be disposed of in accordance with law.

6. In view of the above, the order dated 08.07.2026 is set aside. Let the application, on removal of defects be placed, before the Ld. Adjudicating Authority within a week from today and be disposed of within four weeks from today. Registry of the Ld. NCLT, Mumbai will allow the appellant to remove the defects of the application, so that it be placed before the Ld. NCLT for disposal as *per* law. All rights and contentions of the respondents are kept open. Pending applications are also disposed of.

**[Justice Yogesh Khanna]
Officiating Chairperson**

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

himanshu/md