

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Comp. App. (AT) (Ins) No. 1873 of 2026

IN THE MATTER OF:

Pallav Maheshbhai Kumbhani

...Appellant

Versus

Kataria plastics Pvt. Ltd. & Anr.

...Respondents

Present:

For Appellant : Mr. Abhyuday Singh, Mr. Arihant Kumar Nahar,
Mr. Sunny Agrawal, Ms. Namasvi Gupta & Mr.
Shubham Kothari, Adv.

For Respondents : None.

With

Comp. App. (AT) (Ins) No. 1878 of 2026 & I.A. No. 7116 of 2026

IN THE MATTER OF:

Chandrikaben Maheshbhai Kumbhani

...Appellant

Versus

Kataria plastics Pvt. Ltd. & Anr.

...Respondents

Present:

For Appellant : Mr. Abhyuday Singh, Mr. Arihant Kumar Nahar,
Mr. Sunny Agrawal, Ms. Namasvi Gupta & Mr.
Shubham Kothari, Adv.

For Respondents : None.

ORDER
(Hybrid Mode)

14.10.2026 Heard Mr. Abhyuday Singh, Learned Counsel appeared
on behalf of the Appellant through VC and perused the record.

2. Learned Counsel for the Appellant vehemently submits that the threshold limit has been required under Section 4 of the Code was not meeting in the instant matter and therefore, the Learned Adjudicating Authority was not having any jurisdiction to pass the Impugned Order and therefore, the Impugned Order may not be sustained on this sole ground.

3. It is further submitted that in compliance of the order of this Appellate Tribunal dated 07.10.2026 an additional affidavit has been filed disclosing therein the total of the various invoices shown in Part IV of the application moved by the Appellant and the correct total of these invoices would be Rs. 1,00,67,644/- which has been wrongly mentioned in the Part IV as Rs. 99,35,914/- and the interest has also not been shown correctly therein as Rs. 1,16,28,841/-.

4. It is further submitted that the Respondent / Operational Creditor has concealed before the Learned Adjudicating Authority that Rs. 25 Lakhs were infact paid by the Appellant on 05.02.2025 and thus, only about Rs. 75 Lakhs would be due on the Appellant, on the day when the petition under Section 9 was filed before the Learned Adjudicating Authority, which was below the threshold.

5. It is further submitted that if the calculation of the interest as made by the Respondent/ Operation Creditor is believed and if the interest as calculated by the Appellant i.e., Rs 16,92,927 /- is added to the remaining dues of Rs. 75,67,644/- the total will be much below the statutory threshold of Rs. 1 Crore.

6. It is further submitted that when the threshold as provided under Section 4 of the Code was not meeting the Impugned Order is not liable to be sustained and must be set aside.

7. We have heard Learned Counsel for the Appellant and perused the record.

8. Having regard to the additional affidavit filed by the Appellant and the facts disclosed therein, we are inclined to extend some protection to the Appellant till the next date of listing.

9. Issue notice to the Respondents. Steps along with requisites be taken up within three working days from today. Learned Counsel for the Appellant is at liberty to serve the Respondent by all possible means including by hand i.e., Dasti.

10. It is provided that till the next date of operation of the Impugned Order shall remain stayed.

11. List accordingly on **23.11.2026**.

[Justice Mohammad Faiz Alam Khan]
Member (Judicial)

[Mr. Naresh Salecha]
Member (Technical)

Sim/Kam