NATIONAL COMPANY LAW APPELLATE TRIBUNAL
AT CHENNAI

(APPELLATE JURISDICTION)

Company Appeal (AT) (CH) (Ins) No.405/2026
(IA No. 1162 & 1163/2026)

In the matter of:

Saffire Ispat Pvt Ltd … **Appellant**
V
Directorate of Revenue Intelligence & Anr. ...**Respondents**

Present :

For Appellant	:	Mr. PH. Arvindh Pandian, Senior Advocate For Mr. CV. Shailandran, Mr. Vaibhav Niti, Ms. Madhavi Agrawal & Mr. N. Rahul, Advocates
For Respondents	:	Dr. Bhavesh Acharya, Senior Public Prosecutor for R1 Mr. Shreyas Lele, Advocate for R2

ORDER

(Hybrid Mode)

19.08.2026:

1) IA No. 1162/2026 was taken out for condonation of delay of 8 days in filing the appeal. Since the appellant was in need of an urgent order, we directed notice on the office of the Additional Solicitor General. The learned counsel for the appellant submits that, the appeal was filed in time but unfortunately before the principal bench and then it was returned for representation before this bench and it was done so and therefore, the delay of 8 days should not be counted as fresh delay. In other words, he submitted that, it does not constitute any delay.

2) The learned counsel for R1 submitted that, the delay as stated is unbelievable, when the cause of action has arisen within the jurisdiction of this bench, there is no reason why it should be filed before the principal bench.

3) After careful consideration, we are of the view that, prima facie there is no delay and even if it is there, it is well within the statutory condonable limit and accordingly, IA No. 1162/2026 is condoned.

4) This appeal is preferred challenging an order of the learned Adjudicating Authority by which appellant's prayer against the claim of the DRI / Respondent for payment of a claim around Rs.9.0 crore towards customs duty. Quintessence the controversy is that the appellant is an auction purchaser in liquidation of the corporate debtor which had its unit in SEZ zone and the customs official has raised a claim that for asset in SEZ zone there will be a liability to pay customs duty. The appellant in essence plays reliance on the clean slate theory to resist the claim of the DRI.

5) Dr. Bhavesh Acharya, Senior Public Prosecutor, enters appearance for the DRI and submitted that the appellant has preferred a writ petition before the Hon'ble High Court of Chhattisgarh for an identical relief and he has gone for a forum shopping here. The learned counsel for the appellant submits that before the Hon'ble High Court of Chhattisgarh the appellant has only challenged the authority of the DRI to make a claim and before the learned NCLT, he seeks for

requisition that no customs duty is payable. He submitted that the cause of action for both the proceedings are independent.

6) Prima facie, we are not impressed by the distinction which the learned counsel for the appellant intends to make. To us it is a casuistic effort.

7) The learned counsel for the appellant would now seek some time to get instructions from his client.

List this appeal on **28.08.2026**.

[Justice N. Seshasayee]
Member (Judicial)

[Jatindranath Swain]
Member (Technical)

YS/MS/AK