NATIONAL COMPANY LAW APPELLATE TRIBUNAL
AT CHENNAI
(APPELLATE JURISDICTION)

Company Appeal (AT) (CH) (Ins) No. 581/2026
(IA Nos. 1626 & 1627/2026)

In the matter of:

Chalasani Swapna, Suspended Director of
Vyjayanthi Televentures Pvt. Ltd. … Appellant

Vs

Emgee Media Integrated
Services Pvt. Ltd. & 2 Ors. … Respondents

Present :

For Appellant : Mr. P.H. Arvindh Pandian, Senior Advocate
For Mr. C.V. Shailandhran, Advocate

For Respondents : Mr. T.K. Bhaskar, Advocate for R1

ORDER
(Hybrid Mode)

28.10.2026: This application **IA No. 1626/2026** is filed seeking for condonation of delay of 14 days in filing the appeal, whereas the registry of this Tribunal has noted that the delay is of 15 days. At any rate, it falls within the condonable limit.

2. Heard both sides. We are satisfied with the reasons stated in paragraphs 6 to 9 of the affidavit filed in support of the condone delay application. Delay condoned.

3. This appeal is preferred challenging an order of the Adjudicating Authority appointing an IRP based on a memo of the financial creditor / the 1st respondent

herein, which the 1st respondent filed pursuant to the order passed by this Tribunal in CA (AT) (CH) (Ins) No.467/2023.

4. A short backdrop may be provided:

a) The respondent herein has instituted a petition under Section 7 of IBC and that came to be dismissed by the NCLT. This dismissal order was challenged by the 1st respondent in CA (AT) (CH) (Ins) No.467/2023. According to the appellant, while notice was ordered by this Tribunal it was never served on her. Eventually, this Tribunal proceeded ex parte against the appellant herein, heard CA (AT) (CH) (Ins) No.467/2023 and allowed it. Indeed, by this order, this Tribunal required the Adjudicating Authority to appoint an IRP. It is to give effect to this Appellate Tribunal's order the 1st respondent has moved the Adjudicating Authority with a memo referred to above.

b) Vide the impugned order dated 17.08.2026, the Adjudicating Authority appointed an IRP. According to the appellant, she became aware of the proceedings only when the IRP intimated her about his decision to take charge of the affairs of the corporate debtor. This is under challenge before us.

5. Mr. T.K. Bhaskar takes notice for R-1. Heard both sides briefly.

6. The learned counsel for the appellant submitted that the 1st respondent herein is part of Emgee group, that while one of the companies in the group has

instituted a proceeding under Section 7 of IBC, another company of the same group had instituted a proceeding under Section 241 of the Companies Act, 2013. Both the matters came to be dismissed by the NCLT, as the case may be, and both were challenged before this Tribunal. While the 1st respondent's appeal was taken up in CA (AT) (CH) (Ins) No.467/2023, against an order in Section 7 of IBC, another appeal is directed against the order in Section 241 petition is taken up in CA (AT) (CH) No.01/2024. Indeed, the order of this Tribunal in CA (AT) (CH) (Ins) No.467/2023 shows that it has relied on the office report of this Tribunal but despite that it has ordered substituted service and since the appellant did not appear, they proceeded ex parte. According to the appellant, the office report referred to in that order of this Tribunal is not the one filed in CA (AT) (CH) (Ins) No.467/2023 but in CA (AT) (CH) No.01/2024.

7. We spent some time to ascertain the fact from the files. Evidently, the counsels on either side are not aware of what the office report is all about.

8. This appeal in effect hinges on the rule of fairness to which the appellant is entitled to vis-à-vis her right to defend the appeal in CA (AT) (CH) (Ins) No.467/2023. Nothing is dearer to the Constitution than ensuring fairness to the party who is likely to be adversely affected by anything which a court does. To assist us, we permit both the sides to peruse the records of this Tribunal, especially the office note referred to above.

9. List the matter on **03.11.2026**. There shall be an order of stay of the impugned order.

[Justice N. Seshasayee]
Member (Judicial)

[Jatindranath Swain]
Member (Technical)

AR/PC/MS