

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 8829/2026

M/S SAMUNNATI AGRI VALUE CHAIN SOLUTIONS PVT. LTD Appellant(s)

VERSUS

M/S NEKKANTI SEA FOODS LTD

Respondent(s)

(FOR ADMISSION
IA No. 196265/2026 - EX-PARTE STAY)

Date : 20-07-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.V. VISWANATHAN
HON'BLE MR. JUSTICE ARUN PALLI

For Appellant(s) :

Mr. Nithyaesh Natraj, Adv.
Mr. Vaibhav Venkatesh, Adv.
Mr. K. Shiva, AOR
Mr. Saurabh Ankit, Adv.
Mr. Anirudh Sriram, Adv.
Mr. Vishal Sridhar, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following
O R D E R

1. Heard Mr. Nithyaesh Natraj, learned counsel appearing for the appellant.

2. Learned counsel submits that under the Scheme, the effective date for coming into force of the Scheme was 19th December, 2024. Learned counsel submits that Section 9 application under the Insolvency and Bankruptcy Code, 2016 was filed before the Adjudicating Authority on 19th September, 2024 on which date the Scheme of Amalgamation

had not come into force. Learned counsel relies on the judgment of this Court in *Marshall Sons & Co., (India) Limited v. Income Tax Officer*¹ and, especially paragraph 14 thereto.

3. Learned counsel submits that in view of this position, Section 9 application was maintainable and the fora below erred in dismissing the application on the ground that on the date of filing the Section 9 application, the entity that filed the application did not subsist.

4. Issue notice, returnable on 24th August, 2026.

5. Liberty is granted to serve dasti additionally.

(ANITA MALHOTRA)
DEPUTY REGISTRAR

(MANOJ KUMAR)
COURT MASTER

1. (1997) 2 SCC 302