

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 4404 OF 2024

SANJAY KUMAR BANSAL

.....

APPELLANT(S)

VERSUS

MANOJ KULSHRESHTA & ANR.

.....

RESPONDENT(S)

with

CIVIL APPEAL NO. 4359 OF 2024

and

CIVIL APPEAL NO. 5452 OF 2024

O R D E R

During the course of hearing, learned counsel for the respondents very fairly state that the appeals, having been preferred within the statutory limitation or condonable period along with uncertified copies of the impugned orders, should not have been dismissed on the ground of being barred by limitation as the appellants therein had not made applications for exemption from filing certified copies. Interestingly, the appellants had either filed applications for exemption from filing certified copies of the impugned order(s) or had subsequently filed certified copies thereof.

Be that as it may, the impugned judgments are not sustainable and are accordingly set aside with an order of remand to the National Company Law Appellate Tribunal¹, Principal Bench, New

1 For short, "NCLAT".

Delhi, for deciding the said appeals on merits. All the company appeals (AT)(Insolvency) disposed of *vide the* impugned judgments will stand restored to their original number before the NCLAT.

We had, *vide* order dated 06.05.2024, in a connected appeal, that is, Civil Appeal No. 5452/2024, titled "*Manan Chopra & Ors. v. Soni Realtors Pvt. Ltd.*", issued notice to the Insolvency and Bankruptcy Board of India to examine the question of limitation and furnishing of certified copy of the order passed by the adjudicating authority. The Board has filed an affidavit and has given certain suggestions in paragraph 18 of the said affidavit. A copy of the affidavit will be forwarded to the Ministry of Corporate Affairs, Government of India, which has the power under Section 469 of the Companies Act, 2013, to issue amendments and modify the existing rules. Ministry of Corporate Affairs, Government of India, will examine the suggestions given.

The impugned judgments are set aside and these appeals shall be treated as disposed of in the above terms.

We clarify that we have not examined the merits of the cases, as the appeals have not been decided by the NCLAT on merits.

Pending application(s), if any, shall stand disposed of.

.....J.
(SANJIV KHANNA)

.....J.
(SANJAY KUMAR)

NEW DELHI;
OCTOBER 21, 2024.

ITEM NO.48

COURT NO.2

SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No. 4404/2024

SANJAY KUMAR BANSAL

Appellant(s)

VERSUS

MANOJ KULSHRESHTA & ANR.

Respondent(s)

(IA No. 71735/2024 - PERMISSION TO PLACE ON RECORD SUBSEQUENT FACTS)

WITH

C.A. No. 4359/2024 (XVII)

(FOR PERMISSION TO PLACE ON RECORD SUBSEQUENT FACTS ON IA 70561/2024)

C.A. No. 5452/2024 (XVII)

Date : 21-10-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE SANJAY KUMAR

For Appellant(s)

Mr. Ritin Rai, Sr. Adv.
Mr. Rahul Kumar, Adv.
Mr. Debmalya Ganguli, Adv.
Mr. Shivangi Sinha, Adv.
Mr. Gopal Singh, AOR

Mr. Saktet Sikri, Adv.
Mrs. Sumita Ray, AOR
Ms. Disha Ray, Adv.
Mr. Dillip Kumar Nayak, Adv.

For Respondent(s)

Mr. Abhindra Maheshwari, Adv.
Mr. Ishit Saharia, AOR

Mr. Kanu Agrawal, AOR

Mr. Vikram Gulliya, Adv.
Mr. Anuj Kumar, Adv.
Mr. Pradeep Kumar Mathur, AOR

Mr. Namit Saxena, AOR
Mr. Awnish Maithani, Adv.
Mr. Shivam Raghuwanshi, Adv.
Mr. Pranav Khoiwal, Adv.
Ms. Isha Nagpal, Adv.

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

The impugned judgments are set aside and these appeals shall
be treated as disposed of in terms of the signed order.

(DEEPAK GUGLANI)
AR-cum-PS

(R.S. NARAYANAN)
ASSISTANT REGISTRAR

(signed order is placed on the file)