
(2026) 07 NCLAT CK 0016

In the National Company Law Appellate Tribunal, Pricipal Bench, New Delhi, CHENNAI Bench

Case No : Company Appeal (AT) (CH) No. 69/2026

Allcargo Logistics Limited

APPELLANT

Vs

Neera And Children Trust, Dhruv Agarwal, Manish Agarwal

RESPONDENT

Date of Decision : 07-07-2026

Acts Referred:

Companies Act — Section 421, 241

Citation : (2026) 07 NCLAT CK 0016

Hon'ble Judges : Justice Sharad Kumar Sharma, Member (Judicial);Jatindranath Swain, Member (Technical)

Bench : Division Bench

Advocate : Mr. Anirudh Krishnan, Advocate For Mr. Jidesh Kumar, Advocate

Final Decision : Disposed Of

Judgement

(Hybrid Mode)

The Appellant in the instant company appeal, preferred under Section 421 of the Companies Act, puts a challenge to the impugned order dated 05.03.2026 that was passed in IA (CA) 39/2026, as was preferred in CP No. 535/241/HDB/2019. The consequential effect of the passing of the order on IA (CA) 39/2026 was that it allowed the substitution of Respondent No. 1, i.e, M/s. Gati Limited by M/s. Allcargo Logistics Limited and the said order has been passed by the Ld. Tribunal in the light of the order of Ld. NCLT, Mumbai dated 10.10.2025 approving merger of M/s. Gati Limited into M/s Allargo Logistics Limited, the Appellant herein.

The company appeal is accompanied with the Condone Delay Application being IA No. 913/2026, wherein the Appellant has sought a condonation of 45 days of delay that has chanced in preferring the appeal and as reported by the Registry too. Having heard the Ld. Counsel for the Appellant on the Condone Delay Application and upon being satisfied with the reasons given in para 10 & 11, the Condone Delay Application being **IA No. 913/2026** would stand allowed.

The instant company appeal simplicitor engages consideration of the issue with regards to the necessity of substitution of the Appellant here in, in place of M/s Gati Limited as Respondent in the proceedings of the company petition CP No. 533/242/HDB/2019, which is under consideration before the Ld. Tribunal and is yet to be decided on merits. The Appellant has contended in its Appeal that the said order has been passed without giving it an opportunity to file its counter to the said substitution application. However, we are of the view that allowing of the substitution application doesn't immediately prejudice any of the rights of the Appellant, while it will facilitate and enable the Ld. Tribunal to effectively decide the controversy that, is pending consideration before the Ld. Tribunal in the shape of the proceedings under Section 241 of the Companies Act.

Any order, which is enabling in nature and which only helps the Ld. Tribunal to arrive at a rightful conclusion after providing an effective opportunity to the parties to the proceedings, cannot be said to prejudice any of the valuable rights of the Appellant. In the instant case, the order allowing the substitution application will fall into the aforesaid category. In that eventuality, we decline to interfere in the impugned order. While doing so, we make it clear that all possible curtailments of rights and prejudices alleged to have been suffered, as a consequence of the allowing of the substitution application, which the Appellant intends to raise in the instant Appeal and which may have a bearing on the outcome of the company petition, would still be open for the Appellant to be pursue before the Ld. Tribunal.

Subject to the aforesaid, the company appeal stands closed.