

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
AT CHENNAI
(APPELLATE JURISDICTION)
Company Appeal (AT) (CH) No. 69/2026
IA Nos.913, 914 & 915/2026

In the matter of:

ALLCARGO LOGISTICS LIMITED

CIN: L63010MH2004PLC073508

Having its registered office at
6th floor, Allcargo House, CST Road,
Kalina, Santacruz (East),
Mumbai, 400098
Maharashtra, India

...APPELLANT

V

1. NEERA AND CHILDREN TRUST,

139, Sheesh Mahal Compound,
Road No.7, Avenue-5, Banjara Hills,
Hyderabad- 500034,
Represented by its Trustee,
Mrs. Neera Agarwal

2. DHRUV AGARWAL,

139, Sheesh Mahal Compound,
Road No.7, Avenue-5, Banjara Hills,
Hyderabad- 500034

3. MANISH AGARWAL,

139, Sheesh Mahal Compound,
Road No.7, Avenue-5, Banjara Hills,
Hyderabad- 500034

...RESPONDENTS

Present :

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

ORDER
(Hybrid Mode)

07.07.2026:

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.

[Justice Sharad Kumar Sharma]
Member (Judicial)

[Jatindranath Swain]
Member (Technical)

SN/MS/AK