

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Comp. App. (AT) (Ins) No. 1219 of 2026

&

I.A. No. 4716 of 2026

IN THE MATTER OF:

Apollo Green Energy Ltd.

...Appellant(s)

Versus

Power2SME Pvt. Ltd.

...Respondent(s)

Present:

For Appellant : Mr. Rakesh Kumar, Mr. Aashish Kumar, Advocates.

For Respondents : Ms. Sanya Kumar, Mr. Harsh Jain, Mr. Chiranjeev Singh Marwaha, Advocates.

ORDER
(Hybrid Mode)

[Per: Justice Mohd. Faiz Alam Khan (Oral)]

14.07.2026: **IA No. 4716 of 2026-** Heard Ld. Counsel for the Appellant as well as Ld. Counsel for the Sole Respondent. Perused the record.

Keeping in view the averments made in the application, we find that the delay of three days which has occurred in filing the appeal has been sufficiently explained.

In view of above, the application for condonation of delay is allowed and the delay of 3 days which has occurred in filing the appeal is hereby condoned.

Comp. App. (AT) (Ins) No. 1219 of 2026

Heard Ld. Counsel for the appellant, Ld. Counsel for the Respondent. Perused the record.

2. The instant appeal has been filed by the appellant who was Respondent before Ld. Adjudicating Authority challenging the impugned order dated 27.05.2026 passed in CP-IB-112/ND/2026 passed by National Company Law Tribunal, New Delhi, Court- V whereby the opportunity of the Respondent (Appellant before us) to file the reply was closed and Counsel for the parties were directed to file written submissions.

3. Ld. Counsel for the Appellant submits that only one opportunity of 7 days was given by Ld. Adjudicating Authority to file the reply and the appellant has made all sincere efforts to file the reply before the Ld. Adjudicating Authority within the period stipulated, however, on 26.05.2026 the appellant made multiple attempts to file the reply but the same could not be filed because of some technical issue at the end of the NCLT, New Delhi.

4. It is further submitted that upon discovering that there is some problem with the e-filing portal of the Ld. Adjudicating Authority the appellant took immediate steps and sent a letter/communication to the Ld. Registrar of the NCLT on 26.05.2026 itself, writing his grievances and it is in this background the reply could not be filed on 26.05.2026 and when the matter was taken up by Ld. Adjudicating Authority on 27.05.2026 the impugned order has been passed whereby the opportunity to file reply so far as the appellant is concerned, has been closed.

5. Ld. Counsel for the Respondent submits that his only concern is that the petition which has been filed before the Ld. Adjudicating Authority

should be disposed of at the earliest and the Appellant (Respondent before the tribunal) is making all attempts to delay the proceedings.

6. It is further submitted that the parties have filed written submissions and even written submissions filed by the appellant (Respondent before the tribunal) may also be taken as its reply.

7. Having heard Ld. Counsel for the parties and perused the record. It is reflected that only one opportunity had been given to the Appellant (Respondent before the Ld. Adjudicating Authority) to file the reply within a week. It is submitted by Ld. Counsel for the Appellant that on 26.05.2026 he was not able to e-file the reply as there was some technical glitch at the end of the Ld. NCLT and in this regard he has also moved an application/communication to the Ld. Registrar of NCLT.

8. We prima facie find substance in the submissions made by Ld. Counsel for the Appellant that the reply on 26.05.2026 could not be e-filed by Appellant due to some problem occurred at the end of NCLT and in this regard a communication was also written by Counsel for the Appellant to Registrar NCLT.

9. Thus, keeping in view all the facts and circumstances of this case, we permit the appellant to file the reply (e-filing as well as physical filing) before the Ld. Adjudicating Authority by tomorrow i.e. 15.07.2026.

10. Ld. Counsel appearing for the Respondent submits that he will not file any rejoinder to the reply which may be filed by the (Respondent before the Adjudicating Authority). His statement is taken on record.

11. The written submissions have already been filed by the parties before the Ld. Adjudicating Authority therefore, we request Ld. Adjudicating Authority to dispose of the petition at the earliest.

12. It is submitted by Ld. Counsel for the Appellant that he will not take seek any adjournment when the petition would be listed before the Ld. Adjudicating Authority for hearing of submissions.

13. Appeal is thus disposed of in above terms.

[Justice Mohammad Faiz Alam Khan]
Member (Judicial)

[Naresh Salecha]
Member (Technical)

sr/mr