
(2026) 07 NCLAT CK 0092

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

Case No : Comp. App. (AT) (Ins) No. 1076 of 2026 & I.A. No. 4221, 4222 of 2026

Apollo Green Energy Ltd.

APPELLANT

Vs

Royal Cap House

RESPONDENT

Date of Decision : 22-07-2026

Acts Referred:

IBC — Section 9

Citation : (2026) 07 NCLAT CK 0092

Hon'ble Judges : Justice Mohammad Faiz Alam Khan, Member (Judicial); Naresh Salecha, Member (Technical)

Bench : Division Bench

Advocate : For Appellant : Mr. Rakesh Kumar, Mr. Aashish Kumar, Advocates.??
For Respondents : Appearance not marked.

Final Decision : Disposed Of

Judgement

(Hybrid Mode)

Heard Ld. Counsel for the Appellant as well as Ld. Counsel for the Respondent.

2. The instant appeal has been preferred by the appellant against the order dated 29.05.2026 passed by the National Company Law Tribunal, New Delhi, Court-V, in IB-611/ND/2025 whereby the opportunity of the Appellant/Respondent to file the reply was closed.

3. Ld. Counsel for the Appellant/Respondent submits that he in pursuance of the order of the Ld. Adjudicating Authority has filed the reply online on 03.02.2026 however certain defects were raised by the Registry which were removed and they re-filed the reply on 20.02.2026.

4. It is further submitted that thereafter certain defects were again raised by the Registry and due to the fault of the clerk of the Appellant the same defect could not be noticed and could not be removed and on 29.05.2026 when the matter was

again placed before the Ld. Adjudicating Authority the impugned order was passed and the right of the appellant to file the reply was closed.

5. It is also submitted that the Appellant/Respondent was diligently pursuing '*lis*' before the Ld. Adjudicating Authority and it was due to the circumstances beyond the control of the appellant he could not get the defects removed and only one opportunity be provided to the Appellant/Respondent to file the reply.

6. Ld. Counsel for the Respondent however vehemently opposes the submissions made by Ld. Counsel for the Appellant and it is submitted that the defects were deliberately not removed within time and the statement of Ld. Counsel for the Appellant that the entire defects were removed and the reply was re-filed on 20.02.2026 is not correct and the endeavour of the appellant is to keep the proceedings pending.

7. It is further submitted that there is no illegality or to say any irregularity in the impugned judgment and the same be sustained.

8. We have heard Ld. Counsel for the parties and perused the record.

9. It appears to be an admitted situation that a petition was filed by the Respondent No. 1 under Section 9 of the IBC and was placed before the Ld. Adjudicating Authority for the first time on 20.11.2025 whereon the notice was issued to the Respondents and the matter was directed to be listed on 19.12.2025. However, on that day the matter could not be taken and the matter was notified for 17.02.2026. On 17.02.2026 when the matter was taken, statement was made by Ld. Counsel for the Appellant before the Ld. Adjudicating Authority that they have already filed their reply. On 10.04.2026, the matter was not taken up due to paucity of time and it was on 29.05.2026 the impugned order has been passed.

10. During the course of hearing, the print out of the e-filing portal of the Ld. Adjudicating Authority has been placed before us with regard to the instant matter and it appears from the same that the reply online was filed by the appellant on 03.02.2026. This fact has also not been denied by Ld. Counsel for the Respondent. The only laxity which appears to have been committed by the appellant is of not removing the defects in reply, for which an explanation has been given by the Appellant that the clerk of the Counsel for the Appellant was not diligent and after re-filing of the reply on 20.02.2026 the fresh defects raised by the Registry could not be noticed by the clerk of the Counsel for the Appellant and due to this the same could not be timely removed and by passing the impugned order the opportunity to file reply has been closed.

11. Having regard to all the facts and circumstances of this case and having an eye on the fact that the matter before the Ld. Adjudicating Authority is still at the stage of hearing and the written submissions have also been filed by the parties, we permit the Appellant to remove the defects raised by the Registry of the Adjudicating Authority, with regard to the reply filed by him within next seven

days, positively and if the defects as indicated by the Registry of the Adjudicating Authority is removed within the period stipulated by us the reply filed by the Appellant/Respondent may be taken on record and the hard copy of the same, if required may also be taken.

12. In this scenario the Respondent (Applicant before Ld. Adjudicating Authority) may also file rejoinder to the reply filed by the appellant within next 7 days.

13. Thereafter the matter shall be taken to its logical end by the Ld. Adjudicating Authority strictly in accordance with law.

14. Having regard to all the facts and circumstances of this case and finding that there are certain lapses, which has been admittedly committed by the appellant, we direct that the appellant shall deposit Rs. 25,000/- in the **Prime Ministers Relief Fund** within 5 days from today.

15. If the cost as indicated by us is not deposited within the period stipulated herein above, the Appellant will not get any benefit of this order.

16. The appeal is disposed of in above terms.