
(2025) 03 NCLAT CK 0668

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

Case No : Company Appeal (AT) (Insolvency) No. 434 of 2025

BS Ispat Ltd.

APPELLANT

Vs

Armaco Infralinks Pvt. Ltd.

RESPONDENT

Date of Decision : 12-03-2025

Acts Referred:

Citation : (2025) 03 NCLAT CK 0668

Hon'ble Judges : Ashok Bhushan, Chairperson; Arun Baroka, Member (T)

Bench : Division Bench

Advocate : Sumesh Dhawan, Vatsala Kak, Raghav Dembla, Shaurya Shyam, Prachi Johri, Abhipsa Sahu

Final Decision : Dismissed

Judgement

12.03.2025: This appeal has been filed against order dated 17.02.2025 passed by the NCLT, Mumbai Bench, Court-1. Order dated 17.02.2025 is as follows:

"ORDER

1. Adv. Nausher Kohli a/w Adv. Darshna Naval for the Petitioner are present. Adv. Yash Kullarwar for the Respondent is present through VC.

2. Ld. Counsel for the Petitioner has placed on record a written submission.

3. Ld. Counsel for the Corporate Debtor informs that he has recently been engaged, however, the bench notices that the matter was completely argued on the last date of hearing and matter was kept today for taking on record the written notes of arguments and the earlier Counsel on record has already submitted that his written submissions be taken as the notes tendered by him. In view of this, no further time can be granted to the new counsel engaged after conclusion of arguments in the matter. 4. Hence, C.P. (IB)/891(MB) of 2024 is Reserved for Orders."

2. The grievance of the Appellant is that the Corporate Debtor has filed a written

submission along with which a minutes of meeting has been Annexed. Learned counsel for the Respondent submits that the said minutes were handed over during hearing in the court. Learned counsel for the Appellant submits that the minutes were never given to the Appellant. It is submitted that the Appellant has filed two IAs, however, the said IAs have not been listed and the request for listing of IAs has already been refused in mentioning.

3. The Court having reserved the order, we are of the view that there is no purpose in entertaining the appeal at this stage. It is always open for the Appellant to take such course as available in law. We, without entering into the submissions of either of the parties, close the appeal at this stage.

4. Learned counsel for the Appellant submits that the Appellant should have been given permission to submit additional written submission even if applications were not listed. We only observe that it is for the Appellant to request the court to accept the Additional Affidavit and it is for the Adjudicating Authority to take a call on it. We make it clear that we are not expressing any opinion on the procedure which are followed by the Adjudicating Authority.

5. Appeal is dismissed subject to above observations.