NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

IA NO.3597/2026
IN
COMPANY APPEAL (AT) NO.298 OF 2025

In the matter of:

Antariksh Softech Pvt Ltd & Anr **Applicant**

Vs
D-Vois SSV Broadband Pvt Ltd & Ors **Respondent**

For Applicant: Mr Krishnendu Datta, Sr Advocate, Mr. Vaisal G, Mr. Chandresh Rao, Advocates for Applicant.

For Respondent: Mr. K Gaurav Kumar, Mr. S. Kishandan, Advocates.

ORDER

HYBRID MODE

09.10.2026: IA No.*3597 of 2026* is filed by Applicant for clarification of the order dated 2nd December, 2025 and for extension of time to carry out the amendment as was directed in our earlier order dated 02.12.2025. It is the submission of the learned counsel for the appellant on 19.11.2025 an order was passed by the Ld. NCLT whereby the Company Petition bearing No. *404/MB/2021* was dismissed on the ground that no steps were taken by the appellant to amend the memo of parties after merger. The said order is as under:

> *As per the submission of the Ld. Counsel of the Petitioner Company, it was noted that the Petitioner Company has since marge with the holding Company that is "Antariksh Softtech Private Limited," and therefore, the Ld. Counsel sought time to amend the memo of parties/cause title. As per his request made on 07.05.2025, the time was granted and matter was listed for further consideration on 09.07.2025. However,*

subsequently the matter did not reach the board and it is listed today for consideration.

Today when the matter is called identical submission is being made by the Ld. Counsel of the Petitioner that since the Petitioner Company has merge with its holding Company that is "Antariksh Softtech Private Limited," there is a requirement of amendment in the memo of parties/cause title and accordingly, a short accommodation may be granted. From the above facts, we note that despite a passage of more than 6 (six) months
from 07.05.2025, the Petitioner Company has not carried out the amendment in the memo of parties/cause title as was requested on 07.05.2025, and allowed by this Court. This fact clearly depicts that the Petitioner Company is not interested to pursue the matter and for no plausible reasons the Petitioner Company wants to keep this matter on board. Accordingly, the Company Petition which is pending since 2021 is dismissed for want of prosecution and the connected Company Applications or IAs with this CP becoming infructuous are also dismissed.

3. Further *vide* order dated 02.12.2025 in Company Appeal (AT) No.298/2025 the following order was passed: -

3. Considering the submissions made by both the parties, we extend the time for filing amended memo of parties by four weeks. The appellant to comply with the order and to file an amended memo of parties within four weeks from today. Thus the impugned order dated 19.11.2025 is set aside while allowing the appellant to file amended memo of parties within four weeks from today. In case the same is not filed within 4 weeks, the concession given vide this order shall stand withdrawn and the impugned order shall operate.

4. It is submitted by the learned counsel for the applicant thereafter within such four weeks Restoration Application No. *1/2026* for restoration of the Company Petition, dismissed *vide* order dated 14.01.2026 by Ld. NCLT Mumbai and also an application bringing on record the amended memo of parties as well

as formal amendment was filed as some paras of the Company Petition were required to be amended formally in view of the filing of an amended memo.

5. On 14.01.2026 the Ld. NCLT though allowed the Restoration Application but disposed of CA/*1/2026* stating *inter-alia* since there already exists an order dated 02.12.2025 passed by this Tribunal, hence nothing is to be done by the Ld. NCLT. It is submitted by the applicant this was neither here nor there as the amended petition inclusive of the amended memo was not even taken on record, hence they sought extension of time. The order dated 14.01.2026 passed by the Ld. NCLT is as under: -

> *CA/1/2026- This Company Application has been filed by the Applicant seeking permission to allow the second amended Application and to grant leave to the Applicant to carry out the amendments in CP No. 404 of 2021, as set out in Schedule (Exhibit-A) along with all other consequential amendments that are necessary to fully effectuate the proposed amendments.*
>
> *In this case, the Hon'ble NCLAT, in Company Appeal No. 298 of 2025 have extended the time for filing the amended Memo of Parties by four (4) weeks and directions have been given to the Applicant herein to comply with the said order and to file the amended Memo of Parties within four (4) weeks from the date of order i.e. 02.12.2025.*
>
> *It is also mentioned in the directions at Para 3 of the said order that in case the same is not filed within four (4) weeks, the concession granted by the said order shall stand withdrawn and the impugned order dated 19.11.2025 of this Bench shall operate.*
>
> *Accordingly, no separate directions as sought in this IA can be granted. The Applicant herein can take action in accordance with the directions of the Hon'ble NCLA T in their aforesaid order.*
>
> *With the said observations, the CA No. I of 2026 is disposed of.*

4. We have perused the order dated 14.01.2026. Considering the fact, we had already given an opportunity to the applicant to bring on record the amended memo of parties within four weeks and that an application to bring on record the formal amendment, the memo was rather filed, annexed at Page 39 of this application.

5. That an objection is raised by the learned counsel for the Respondent this Court has become *functous officio*, hence cannot consider this application, but as a matter of fact we are not passing an order creating any right in favour of any one but are only trying to enforce our earlier order dated 02.12.2025, hence the application is allowed.

6. Let the amended petition be taken on record and a separate amendment memo be also filed within two weeks from today and be taken on record.

7. The application stands disposed.

8. Inadvertently Company Appeal (AT) No.303/2026 was not listed in the cause list. List Company Appeal (AT) No.303/2026 on **02.12.2026**.

(Justice Yogesh Khanna)
Officiating Chairperson

(Mr. Barun Mitra)
Member (Technical)

(Mr. Ajai Das Mehrotra)
Member (Technical)

Bm