NATIONAL COMPANY LAW APPELLATE TRIBUNAL
AT CHENNAI

(APPELLATE JURISDICTION)

Company Appeal (AT) (CH) (Ins) No.557/2026
(IA No.1555/2026)

In the matter of:

Mr. Arun Kumar Agarwal,
S/o. R. K. Agarwal,
Plot No. 341, Road No. 23A,
Jubilee Hills, Hyderabad - 500 034. **…Appellant**

Vs

Mr. G. Madhusudhan Rao,
Liquidator of M/s. Suryajyoti Spinning Mills Limited,
Flat No. 1209, 11th Floor, Vasavi MPM Grand,
Yella Reddy Guda Road, Ameerpet,
Hyderabad – 500 073.

Mr. Ram Ratan Kanoongo,
Erstwhile Resolution Professional,
708, Raheja Center, 7th Floor,
Nariman Point, Mumbai – 500 021.

Mr. Dr. Kondapalli Venkata Srinivas,
Erstwhile Liquidator of M/s. Suryajyoti Spinning Mills Limited,
6-3-249/6, Alcazar Plaza & Towers,
Road No. 1, Banjara Hills,
Hyderabad – 500 034. **...Respondents**

Present :

For Appellants : Mr. Avinash Krishnan Ravi, Advocate
For Respondents : Mr. G. Madhusudhan Rao, Liquidator

ORDER
(Hybrid Mode)

02.11.2026:

1. This appeal is filed by the erstwhile director of the corporate debtor, who has taken out an independent application for recalling an earlier order rejecting the time for preparing the counter for an application in IA No.822/2025.

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2. IA No.822/2025 was filed by the liquidator for lodging a complaint before the Special Court under Section 236 of the I & B Code. The appellant was granted time to file his counter; as he defaulted on the cost of Rs.10,000/- was also slapped on him, but the appellant though paid a cost still sought time on the ground that he was still in the process.

3. Therefore, the appellant filed the petition to recall this order that it came to be dismissed vide impugned order dated 01.09.2026.

4. Heard Mr. Avinash Krishnan Ravi for the appellant and also the liquidator, who appeared in virtual mode. The learned counsel submitted that the appellant indeed has filed his objection to IA No.822/2025 on 18.05.2026. However, since it was filed beyond the time stipulated.

5. Without getting into the merits, we merely hold that the right to defence is a very valuable right and inasmuch as the counter has been filed on 18.05.2026.

6. It is only appropriate that the Tribunal may take the counter on record. We accordingly allow this appeal and require the appellant to refile this counter within three days from today. The payment of costs of Rs.10,000/- to be paid to the Adyar Cancer Institute.

[Justice N. Seshasayee]
Member (Judicial)

[Jatindranath Swain]
Member (Technical)

VG/PC/MS