

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) No. 80 of 2026
& I.A. No. 1678 of 2026

IN THE MATTER OF:

Festivity Realtors Pvt. Ltd. & Anr.

...Appellant(s)

Versus

Union of India
Through Ministry of Corporate Affairs
Through the Regional Director (Northern Region)

...Respondent(s)

Present:

For Appellant : Mr. Ajay Garg, Mr. Kartikeya Goel, Advocate.

For Respondents : Appeared but not marked appearance.

ORDER
(Hybrid Mode)

06.05.2026: This appeal is filed against an order dated 11.11.2025 passed by the Ld. NCLT, New Delhi, Bench IV in Company Petition (CAA) No. 23/ND/2021 wherein new Restoration Application No. 57/ND/2025 filed for restoration of the said company petition, dismissed *vide* order dated 07.10.2025, was also dismissed on the ground there exist no valid reasons in the affidavit to condone the delay and to recall the order dated 07.10.2025.

2. The Regional Director is also present and we have heard him.

3. On 11.09.2025, the Ld. NCLT has passed the following order:

“On perusal of the contents of the petition filed by the petitioner companies, it is stated in Para 1.12 and 2.12 which is reproduced hereunder:-

“That as on the date of this Petition, no proceeding for inspection, inquiry or investigation under the provisions of the Companies Act, 2013 or under the provisions of the Companies Act, 1956, is pending against the Transferor Company and the Transferee Company.”

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However, as per the requirement of Section 230(2)(a) of the Companies Act, 2013, the affidavit shall disclose about the pendency of any investigation or proceedings against the company.

Therefore, the petitioner companies are directed to file an appropriate additional separate affidavit of each company in compliance of Section 232(2)(a) within a week.

List the matter on 07.10.2025”

4. As per the above order, the Ld. NCLT was of the view an affidavit needs to be filed by the appellant *qua* pendency of any investigation or proceedings against the company. Such affidavit could not be filed on or before the next date *viz* 07.10.2025 and for this reason, the Company Petition (CAA)23/ND/2021 was dismissed for non-compliance.

5. It is the submission of the Ld. Counsel for the appellant though affidavit was ready but due to oversight of the legal counsel of the petitioner companies, the additional affidavit could not be filed within the stipulated period and the omission was purely inadvertent and unintentional and not due to any negligence or deliberate non-compliance.

6. Considering the facts, it was the second motion petition and in paras 1.12 and 2.12 of the petition it was duly mentioned that *as on the date of the petition, no proceedings or investigations under the provisions of the Companies Act, 2013 or under the Companies Act, 1956 was pending against any of the company* and further considering the submissions in para 7 of the *New Restoration Application/57/ND/2025*, we allow this application and set aside the impugned order. Alongwith this the order dated 07.10.2025 is also set aside subject to payment of cost of Rs. 50,000/- to be deposited in the Prime

Minister's National Relief Fund. The company petition before Ld. NCLT is thus restored to its original number.

7. The appeal is disposed of in terms of the above. Pending application(s), if any, are also disposed of.

**[Justice Yogesh Khanna]
Member (Judicial)**

**[Mr. Ajai Das Mehrotra]
Member (Technical)**

Ram N./Ravi R.