



**NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH
GUWAHATI
ORDER SHEET OF THE HEARING ON 19th AUGUST 2026**

**IA(IBC)/125/GB/2026
In CP(IB)/10/GB/2026**

**Present: 1. Hon'ble Member (Judicial), Shri Rammurti Kushawaha
2. Hon'ble Member (Technical), Shri Yogendra Kumar Singh**

In the Matter of	Rajesh Bajoria (FC) Vs Sadguru Engineers & Allied Services Pvt. Ltd. (CD)
Under Section	U/s 7 of IBC, 2016

Appearances (via video conferencing/physically)

CP(IB)/10/GB/2026

For Petitioner (s) : Mr. V. Sharma, Adv. (Proxy) for Rajesh Bajoria (FC)

For Respondent (s) : None for Sadguru Engineers & Allied Services Pvt. Ltd. (CD)

IA(IBC)/125/GB/2026

For Petitioner (s) : None for Sadguru Engineers & Allied Services Pvt. Ltd. (CD)

For Respondent (s) : Mr. V. Sharma, Adv. (Proxy) for Rajesh Bajoria (FC)

ORDER

IA(IBC)/125/GB/2026

Order Pronounced in open court *vide* separate sheets.

CP(IB)/10/GB/2026

1. Mr. V. Sharma, Adv. Proxy Counsel of Mr. A. Prasad Adv. appearing on behalf of FC Rajesh Bajoria.
2. None for the Respondent Sadguru Engineers & Allied Services Pvt. Ltd. (CD).
3. List the matter on **01.09.2026** for further consideration.

**Sd/-
Yogendra Kumar Singh
Member (Technical)**

**Sd/-
Rammurti Kushawaha
Member (Judicial)**



**NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH
GUWAHATI**

IA (IBC)/125/GB/2026

In

CP (IB)/10/GB/2026

*An Application under Section 60(5) of the Insolvency and Bankruptcy Code, 2016 read with
Rule 11 of the National Company Law Tribunal Rules, 2016.*

In the Matter of IA (IBC)/125/GB/2026:

Sadguru Engineers & Allied Services Pvt. Ltd., having its office at Hanuman Tower,
406, 4th Floor, Sati Jaymati Road, Athgaon, Guwahati, Kamrup(M), Assam -781001.

...Applicant/Corporate Debtor

-Versus-

Rajesh Bajoria, having address at 3rd Floor, Casario Enclave, Kharguli, Guwahati -
781004.

...Respondent/Financial Creditor

Coram:

Shri Rammurti Kushawaha : Member (Judicial)

Shri Yogendra Kumar Singh : Member (Technical)

Appearances (through video conferencing):

For Applicants : Mr. S. Mitra, Mr. Anil Kr. Dubey (Advs.)

For Respondents : Mr. A. Prasad (Adv.), Ms. Disha Jain (CS.)

Order pronounced on: 19.08.2026



As Per Bench

1. This Interlocutory Application has been filed by **Sadguru Engineers & Allied Services Pvt. Ltd.** ('Corporate Debtor/Applicant') under Sections 60(5) of the Insolvency and Bankruptcy Code, 2016 ('the Code') read with Rule 11 of the National Company Law Tribunal Rules, 2016 against **Rajesh Bajoria** ('Financial Creditor/Respondent'). The Applicants pray for the following substantive reliefs:
 - i. *Recall and set aside the order dated 30.03.2026 whereby the right of the Applicant to file the reply affidavit was forfeited.*
 - ii. *Condone the delay of 89 days in filing the present Recall/Interlocutory Application (or such other number of days as may be computed by the Hon'ble Tribunal) and grant liberty to the Applicant to file and serve the reply affidavit along with all supporting documents and annexures within such time as the Hon'ble Tribunal may direct.*
 - iii. *Permit the Applicant to place on record the reply affidavit and the documents annexed therewith and thereafter decide the main petition in C.P.(IB)/10/GB/2026 on merits.*
 - iv. *Pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case.*
2. Shorn of unnecessary details the submissions made by the Parties *vide* the Interlocutory Application are as follows:
 - 2.1 Ld. Counsel for the Applicant, Sadguru Engineers & Allied Services Pvt. Ltd. (CD), submitted that Mr. Mukesh Jalan was the Managing Director of Sadguru Engineers & Allied Services Pvt. Ltd. (CD) and that he was in judicial custody from 28.12.2025 to 27.02.2026 and was granted bail on 28.02.2026.
 - 2.2 It is further submitted that after the bail was granted by the Ld. Court, he suffered from serious ill-health. Thereafter, the reconciliation of all the documents took place and the documents were submitted to the concerned Advocate on 28.03.2026.
 - 2.3 It is further submitted that *vide* order dated 30.03.2026, 10 days' time was granted to the Applicant, Sadguru Engineers & Allied Services Pvt. Ltd. (CD), for filing the reply.
 - 2.4 Thereafter, the Managing Director of the Applicant, Sadguru Engineers & Allied Services Pvt. Ltd. (CD), also suffered from ill-health and was further arrested on 28.05.2026 and remained in judicial custody till 16.06.2026 and was released on bail on 17.06.2026.



- 2.5 It is requested that keeping in mind the above circumstances, the Applicant, Sadguru Engineers & Allied Services Pvt. Ltd. (CD), may be permitted to file the reply by recalling the order dated 30.03.2026.
- 2.6 It is submitted by the Ld. Counsel for the Respondent, Rajesh Bajoria (FC), that whatever arguments have been advanced by the Ld. Counsel for the Applicant have already been considered by this Tribunal and after considering the same, the order dated 30.03.2026 has been passed. It is submitted that *vide* order dated 06.02.2026, 10 days' time was granted to the Applicant to file the reply.
- 2.7 Thereafter, further *vide* order dated 23.02.2026, 18 days' time was granted, specifically taking note of the fact that Mr. Mukesh Jalan, Managing Director, was in judicial custody. Mr. Mukesh Jalan was released from judicial custody on 28.02.2026. Considering the judicial custody and the submissions of the Respondent and the Applicant that they had received the documents recently, a further 10 days' time was granted to the Applicant to file the reply *vide* order dated 30.03.2026.
- 2.8 Ld. Counsel for the Applicant sought time for hearing on 05.05.2026, as the right to file the counter had already been forfeited. Thereafter, the Ld. Counsel for the Applicant further sought time on the ground that the arguing Counsel, Mr. A. Rai's wife, was hospitalized; therefore, he was unable to argue the case on that day and the arguments on behalf of the Applicant, i.e., Rajesh Bajoria (FC), were partly heard on 01.06.2026 and completed on next date. Written submissions/notes of contentions have already been filed.
- 2.9 The present IA has been filed by the Applicant on 07.07.2026. After the completion of the arguments of the Applicant, i.e., Rajesh Bajoria (FC), and filing of the written note of contentions, it is submitted that delaying tactics are being adopted by the Applicant, Sadguru Engineers & Allied Services Pvt. Ltd. (CD). It is further submitted that ample opportunity has already been given to the Applicant for filing the reply. Despite the opportunity granted for filing the reply, the Applicant chose to argue the matter and the right to file the reply has already been forfeited on 30.03.2026.
- 2.10 It is requested that the IA may be dismissed as having no merit.
- 2.11 Ld. Counsel for the Respondent/Financial Creditor placed reliance on the judgment of *Sri Budhia Swain & Ors vs Gopinath Deb & Ors (AIR 1999 SUPREME*



COURT 2089), wherein the Hon'ble Supreme Court observed that '..... *What is a power to recall? Inherent power to recall its own order vesting in tribunals or courts was noticed in Indian Bank Vs. M/s Satyam Fibres India Pvt. Ltd. 1996 (5) SCC 550. Vide para 23, this Court has held that the courts have inherent power to recall and set aside an order (i) obtained by fraud practised upon the Court,*

(ii) when the Court is misled by a party, or (iii) when the Court itself commits a mistake which prejudices a party. In A.R. Antulay Vs. R.S. Nayak & Anr. AIR 1988 SC 1531 (vide para 130), this Court has noticed motions to set aside judgments being permitted where (i) a judgment was rendered in ignorance of the fact that a necessary party had not been served at all and was shown as served or in ignorance of the fact that a necessary party had died and the estate was not represented, (ii) a judgment was obtained by fraud, (iii) a party has had no notice and a decree was made against him and such party approaches the Court for setting aside the decision ex debito justitiae on proof of the fact that there was no service.....'

- 2.12 Further placed Reliance on the Judgment of the Hon'ble NCLAT in *Adv. (CA) V. Venkata Sivakumar (Liquidator) v. UCO Bank Ltd., (2025) (Company Appeal (AT) (CH) (Ins) No. 352/2023)* and on the Judgment of NCLT Hyderabad bench in *Mr. D.Srinivasa Rao v. Stressed Assets Stabilization Fund (SASF) (IA No. 21 of 2023 in CP (IB) No. 314/95/HDB/2022)*.
3. We have heard the Learned Counsel appearing for the Parties and perused the records placed before us.
 4. The main Company Petition **CP(IB)/10/GB/2026** under Section 7 of the Insolvency and Bankruptcy Code, 2016 was instituted on 31.01.2026. The records reveal that sufficient opportunities have been granted to the Respondent in the main Company Petition to file its Reply/Counter.
 5. *Vide* Order dated 06.02.2026, this Tribunal granted ten (10) days' time to file its Reply/Counter to the Respondent/Corporate Debtor. Thereafter, *vide* Order dated 23.02.2026, a further eighteen (18) days' time was granted to the Respondent/Corporate Debtor for filling reply.
 6. Again, *vide* Order dated 30.03.2026, considering the submission of the Respondent/Corporate Debtor that the relevant documents had been received recently, this Tribunal granted a further ten (10) days' time to file its Reply. However, despite repeated opportunities and sufficient time granted by this Tribunal, the



Respondent/Corporate Debtor failed to file its Reply within the stipulated time granted by this tribunal and right to file reply stand forfeited.

7. It is further pertinent to mention that *vide* order dated 05.05.2026, the Respondent/Corporate Debtor sought time for hearing, as the right to file reply/counter has already been forfeited. Furthermore, *vide* Order dated 01.06.2026, this Tribunal partly heard the matter on behalf of the Financial Creditor. Even the last opportunity given by the Respondent/Corporate Debtor to file the Reply, the Respondent/Corporate Debtor failed to file the same. Instead of filing its Reply/Counter in the main Company Petition, the present Interlocutory Application is filed on 07.07.2026, seeking recall of the Order dated 30.03.2026.
8. The Respondent has sought recall of the Order dated 30.03.2026, *inter alia*, on the ground that Mr. Mukesh Jalan, Managing Director of Sadguru Engineers & Allied Services Pvt. Ltd. (CD) was in judicial custody from 28.12.2025 to 27.02.2026 and was granted bail on 28.02.2026. Thereafter, he suffered from serious ill-health. Subsequently, reconciliation of the relevant documents was undertaken and the documents were submitted to the concerned Advocate on 28.03.2026. Taking note of the said circumstances, this Tribunal, *vide* Order dated 30.03.2026, granted a further ten (10) days' time to file the Reply. The Managing Director again suffered from ill-health. After that the Managing Director was again arrested on 28.05.2026 till 16.06.2026. Thus the contentions of the Applicant/Corporate debtor regarding the alleged ill-health and arrest of the Managing Director of the Corporate Debtor does not constitute sufficient cause for recalling the judicial order, particularly when adequate opportunities had already been granted by this Tribunal to file the Reply/Counter. Such grounds cannot be permitted to defeat the timelines prescribed under the Insolvency and Bankruptcy Code, 2016.
9. It is well settled that proceedings under Section 7 of the Insolvency and Bankruptcy Code, 2016 are intended to be summary and time-bound in nature. The legislative intent of the Code is to ensure expeditious determination of insolvency proceedings. Permitting repeated extensions or recalling procedural directions in the absence of exceptional circumstances would frustrate the very object of the Code and encourage dilatory tactics.
10. This Tribunal Placed Reliance on the Judgment of *Adv. (CA) V. Venkata Sivakumar (Liquidator) v. UCO Bank Ltd., (2025) (Company Appeal (AT) (CH) (Ins) No. 352/2023)*



wherein the Hon'ble NCLAT observed that '6. Before dealing with the recall application of the Applicant, it will be necessary to note the limited grounds under which this Appellate Tribunal has permitted in law to entertain a recall application. The principles of the same have been laid down by the 5-member Bench of this Appellate Tribunal in the matter of **Union Bank of India v. Dinkar T. Venkatasubramanian and Ors.** in IA/3961/2022 in CA(AT)(Ins) No. 729/2020 dated 25.05.2023 [(2024) 248 Comp Cas 108: 2023 SCC Online NCLAT 283.....

6. What is a power to recall? Inherent power to recall its own order vesting in Tribunals or courts was noticed in *Indian Bank v. Satyam Fibres (India) P. Ltd.* [(1996) 5 SCC 550; (1998) 92 Comp Cas 149 (SC).] vide paragraph 23, this court has held that the courts have inherent power to recall and set aside an order

- (i) obtained by fraud practised upon the court,
- (ii) when the court is misled by a party, or
- (iii) when the court itself commits a mistake which prejudices a party.

In *A.R. Antulay v. R.S. Nayak* [(1988) 2 SCC 602.] (vide paragraph 130), this court has noticed motions to set aside judgments being permitted where:

- (i) a judgment was rendered in ignorance of the fact that a necessary party had not been served at all and was shown as served or in ignorance of the fact that a necessary party had died and the estate was not represented,
- (ii) a judgment was obtained by fraud,
- (iii) a party has had no notice and a decree was made against him and such party approaches the court for setting aside the decision *ex debito justitiae* on proof of the fact that there was no service.

8. "In our opinion a Tribunal or a court may recall an order earlier made by it if:

- (i) the proceedings culminating into an order suffer from the inherent lack of jurisdiction and such lack of jurisdiction is patent,
- (ii) there exists fraud or collusion in obtaining the judgement,
- (iii) there has been a mistake of the court prejudicing a party, or
- (iv) a judgement was rendered in ignorance of the fact that a necessary party had not been served at all or had died and the estate was not represented.

The power to recall a judgement will not be exercised when the ground for reopening the proceedings or vacating the judgment was available to be pleaded in the original action but was not done where a proper remedy in some other proceeding such as by way of appeal or revision was available but was not availed. The right to seek vacation of a judgement may be lost by waiver, estoppel or acquiescence."

11. This Tribunal also placed Reliance on **Sri Budhia Swain & Ors vs Gopinath Deb & Ors (AIR 1999 SUPREME COURT 2089)**, wherein the Hon'ble Supreme Court observed that '.....What is a power to recall? Inherent power to recall its own order vesting in tribunals or courts was noticed in *Indian Bank Vs. M/s Satyam Fibres India Pvt. Ltd.* 1996 (5) SCC 550.



Vide para 23, this Court has held that the courts have inherent power to recall and set aside an order (i) obtained by fraud practised upon the Court,

(ii) when the Court is misled by a party, or (iii) when the Court itself commits a mistake which prejudices a party. In A.R. Antulay Vs. R.S. Nayak & Anr. AIR 1988 SC 1531 (vide para 130), this Court has noticed motions to set aside judgments being permitted where (i) a judgment was rendered in ignorance of the fact that a necessary party had not been served at all and was shown as served or in ignorance of the fact that a necessary party had died and the estate was not represented, (ii) a judgment was obtained by fraud, (iii) a party has had no notice and a decree was made against him and such party approaches the Court for setting aside the decision ex debito justitiae on proof of the fact that there was no service.....

..... In our opinion a tribunal or a court may recall an order earlier made by it if (i) the proceedings culminating into an order suffer from the inherent lack of jurisdiction and such lack of jurisdiction is patent, (ii) there exists fraud or collusion in obtaining the judgment, (iii) there has been a mistake of the court prejudicing a party or (iv) a judgment was rendered in ignorance of the fact that a necessary party had not been served at all or had died and the estate was not represented. The power to recall a judgment will not be exercised when the ground for re-opening the proceedings or vacating the judgment was available to be pleaded in the original action but was not done or where a proper remedy in some other proceeding such as by way of appeal or revision was available but was not availed. The right to seek vacation of a judgment may be lost by waiver, estoppel or acquiescence. A distinction has to be drawn between lack of jurisdiction and a mere error in exercise of jurisdiction. The former strikes at the very root of the exercise and want of jurisdiction may vitiate the proceedings rendering them and the orders passed therein a nullity.'

12. Considering that the Company Petition has remained pending since 31.01.2026 and despite repeated opportunities granted by this Tribunal *vide* Orders dated 06.02.2026, 23.02.2026 and 30.03.2026, the Respondent has failed to file its Reply/Counter, we find no justification for recalling the Order dated 30.03.2026. The present Application is devoid of merit and deserves to be dismissed.

ORDER

13. Accordingly, in view of the foregoing analysis and findings the present Interlocutory application i.e. **IA(IBC)/125/GB/2026 in CP(IB)/10/GB/2026** filed by the Applicant/Corporate Debtor is **dismissed**.



14. Accordingly, the instant application i.e., **IA (IBC)/125/GB/2026** stands **disposed of**.
15. List the main Company Petition (IB) i.e., **CP (IB)/10/GB/2026** for **hearing** on **01.09.2026**.
16. The Registry is directed to send e-mail copies of the order forthwith to all the concerned parties inclusive of the Counsel.
17. Urgent certified copy of this order, if applied for, be issued upon compliance with all requisite formalities.
18. File be consigned to record.

Sd/-

Yogendra Kumar Singh
Member (Technical)

Sd/-

Rammurti Kushawaha
Member (Judicial)

Signed this on 19th day of August, 2026

Aditya Prakash (L.R.A.)