IN THE NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH, COURT – 1, AHMEDABAD

ITEM No.302
Rest.A/13(AHM)2026
in
CP(IB) 272 of 2018

Under Section 60(5) IBC r/w Rule 11 NCLT Rules, 2016

IN THE MATTER OF:

Mass Infrastructure Private Limited **.....Applicant**
V/s
Kunal Structure (India) Private Limited **.....Respondent**

Order delivered on: 07/09/2026

C O R A M:

MR. SHAMMI KHAN, HON'BLE MEMBER (J)
MR. SANJEEV SHARMA, HON'BLE MEMBER (T)

O R D E R
(Hybrid Mode)

The case is fixed for pronouncement of order. The order is pronounced in the open court, vide separate sheet.

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SANJEEV SHARMA
MEMBER (TECHNICAL)

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SHAMMI KHAN
MEMBER (JUDICIAL)

BEFORE THE ADJUDICATING AUTHORITY
NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH, COURT–I, AHMEDABAD

Rest. Appl./13(AHM)2026
In
CP(IB) 272 of 2018

(An application under Section 60(5) read with Rule 11 of the NCLT Rules, 2016 of the IBC Code, 2016]

In the Matter of: Mass Infrastructure Private Limited

Mass Infrastructure Private Limited
Through its Managing Director
Mr. Arvindbhai Madhubhai Patel,
Having Registered Office at:
1st Floor, Kalapi Avenue,
B/h. Malhar Point,
Opp. Vaccine Institute,
Old Padra Road, Baroda-390 015,
Gujarat, India.

... Applicant/
Financial Creditor

VERSUS

Kunal Structure (India) Private Limited
Having Registered Office at:
"Mondeal Heights", B Wing,
15th Floor, Near Hotel Novotel,
S.G. Highway, Ahmedabad – 380 015,
Gujarat, India.

...Respondent/
Corporate Debtor

Order Pronounced On: 07.09.2026

C O R A M:
SH. SHAMMI KHAN, HON'BLE MEMBER (JUDICIAL)
SH. SANJEEV SHARMA, HON'BLE MEMBER (TECHNICAL)

A P P E A R A N C E:

For the Applicant : Mr. Arjun Sheth, Advocate
: Ms. Hetvi Ganatra, Advocate &
: Ms. Somya Jain, Advocate
For the Respondent : Mr. Devang Nanavati, Sr. Advocate
: Mr. Vishwas Shah, Advocate

O R D E R
Per Bench

1. This Restoration Application No.13 of 2026 has been filed on 30.06.2026 by M/s Mass Infrastructure Private Limited under Section 60(5) read with Rule 11 of the National Company Law Tribunal Rules, 2016 seeking restoration of CP(IB) No.272 of 2018 to the stage preceding the order dated 19.10.2020. The Applicant has prayed for the following reliefs: -

a. *Pass appropriate Order to restore and revive the original insolvency summary proceedings under Company Petition (IB) No. 272 of 2018 to its position and stage as it existed prior to the disposal order dated 19.10.2020 and be pleased to adjudicate the same; and / or*

b. *Pass any such other or subsequent orders as this Hon'ble Tribunal may deem fit, proper, and just in the clear parameters of equity, law, and corporate justice.*

2. The order dated 19.10.2020, which is sought to be restored, was passed by the Learned Third Member pursuant to the aforesaid reference. By the said order, the

proceeding was disposed of with liberty to the Learned Official Liquidator to get the same revived at the same stage upon obtaining permission of the Hon'ble High Court of Gujarat.

3. The Applicant relies upon the order dated 12.06.2026 of the Hon'ble High Court of Gujarat, whereby the winding-up order dated 22.01.2020 was recalled, and seeks revival of the Company Petition.

4. The Respondent has opposed the Application, inter alia, on the ground that the order dated 19.10.2020 was passed by the Third Member pursuant to the split verdict and that the matter should be placed before the Hon'ble President, NCLT, New Delhi, for appropriate orders regarding its further placement.

5. The Applicant has relied upon the Board Resolution dated 25.05.2018, stated to have been filed as **Annexure A/2**, and upon the decisions cited in its pleadings concerning restoration, limitation and exclusion of the period of winding-up.

6. Section 419(5) of the Companies Act, 2013 provides the procedure where Members of a Bench differ in opinion and are equally divided. Rule 60(3) of the NCLT Rules, 2016 provides for constitution of a Bench by the President in such circumstances.

7. In the present case, the order dated 19.10.2020 was passed by the Learned Third Member in proceedings arising from the reference occasioned by the split verdict dated 03.06.2020. The present Bench was not the Bench which made the reference or passed the said order.

8. In view of the aforesaid procedural history, we consider it appropriate to place the matter before the Hon'ble President, NCLT, New Delhi, for appropriate orders regarding the further placement and consideration of the Restoration Application and the underlying Company Petition.

9. Accordingly, the Registry shall place **Restoration Application No. 13 of 2026 in C.P. (IB) No. 272 of 2018**, along with the complete record, the orders dated 03.06.2020 and 19.10.2020, the order dated 12.06.2026 of the Hon'ble High Court of Gujarat, the pleadings and

written submissions, and **Annexure A/2**, before the **Hon'ble President, NCLT, New Delhi**, for appropriate orders in accordance with law.

10. We have not expressed any opinion on the maintainability, limitation, locus standi, authorisation, entitlement to restoration, or any other contention raised by either party. All such questions are kept open for consideration by the appropriate forum/Bench.

11. The Registry shall take necessary steps accordingly and place the matter before the Hon'ble President, NCLT, New Delhi, at the earliest.

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SANJEEV SHARMA
MEMBER (TECHNICAL)

SHAMMI KHAN
MEMBER (JUDICIAL)

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