

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 8807 OF 2026

WALCHANDNAGAR INDUSTRIES LIMITED

...Appellant(s)

VERSUS

SWARAJ INDIA AGRO LTD.

...Respondent(s)

O R D E R

1. This appeal arises out of the order dated 11.05.2026 passed by the National Company Law Appellate Tribunal¹ (for short, 'the NCLAT') dismissing the interlocutory application for condonation of delay in refiling the appeal and consequently dismissing the appeal, which was filed against the judgment and order dated 29.05.2025 passed by the National Company Law Tribunal (for short, 'the NCLT').

2. The sole reason for dismissing the appeal is not for limitation in filing the appeal, but for limitation arising due to refiling. The judgment of the NCLT was delivered on 29.05.2025 whereas the appeal was filed on 28.06.2025. Ms. Madhvi Devan, learned senior counsel appearing for the appellant submits that the delay has not occurred as a solitary instance. She has brought to our notice, five instances where

¹ In I.A. No. 991 of 2026 in Comp. App. (AT) (Ins) No. 291 of 2026.

the Registry had notified the defects i.e., on 21.07.2025, 01.08.2025, 29.11.2025, 22.12.2025 and also on 29.01.2026. As against each of these notifications by the Registry, the appellant submits that attempts were made to cure the defects on 28.07.2025, 25.11.2025, 08.12.2025, 28.01.2026 and finally on 02.02.2026. In view of the fact that defects were not notified at one breath, but were spread over five distinct dates, we are of the opinion that the process undertaken in rectifying the defects can be dealt with liberally. This will however be subject to payment of costs. As regards the reliance placed by learned counsel for the respondent upon the judgment in the case of *CA Ramchandra Dallaram Choudhary vs. Adani Infrastructure and Developers Private Limited*², we find that it will not apply in the facts and circumstances of the case. The view taken by us is in the facts and circumstances of the case, particularly when the defects were notified multiple times and also cured successively, particularly when the last defect notified on 29.01.2026 was rectified and refiled on 02.02.2026 itself.

3. In view of the above, we allow the Civil Appeal No. 8807 of 2026, set aside the order passed by the NCLAT in I.A. No. 991 of 2026 in Comp. App. (AT) (Ins) No. 291 of 2026 dated 11.05.2026 and restore the Company Appeal to its original number subject to the appellant

² 2026 SCC Online SC 1097,

paying Rs. 2,00,000/- (Rupees Two lakhs) to the respondent as costs.

4. With these directions, the appeal stands allowed.

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[ALOK ARADHE]

NEW DELHI;
JULY 28, 2026

ITEM NO.4

COURT NO.5

SECTION XVII-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 8807/2026

WALCHANDNAGAR INDUSTRIES LIMITED

Appellant(s)

VERSUS

SWARAJ INDIA AGRO LTD.

Respondent(s)

FOR ADMISSION

Date : 28-07-2026 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE ALOK ARADHE

For Appellant(s) : Ms. Madhavi Diwan, Sr. Adv.
Mr. Anoj Menon, Adv.
Mr. Pradeep Mane, Adv.
Ms. Sonali Mehta, Adv.
Ms. Abha Gokhale, Adv.
Mr. Atharva, Adv.
Ms. Alankrita Sinha, Adv.
Mr. Navneet R., AOR

For Respondent(s) : Mr. Sandeep Bajaj, Adv.
Ms. Prachi Wazalwar, Adv.
Mr. Anuj Tiwari, AOR
Mr. Mayank Biyani, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. The Civil Appeal is allowed in terms of the Signed Order.
2. Pending application(s), if any, shall stand disposed of.

(KAPIL TANDON)
COURT MASTER (SH)

(NIDHI WASON)
ASSTT. REGISTRAR(NSH)

(Signed Order is placed on the file)