

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
Civil Appeal Nos 7958-7959 of 2023**

Anand Infoedge Private Limited

.... Appellant(s)

Versus

Nitin Batra & Ors

....Respondent(s)

WITH

Civil Appeal Nos 7950-7951 of 2023

Civil Appeal No 7980 of 2023

ORDER

1 The impugned order of the National Company Law Appellate Tribunal¹ dated 17 November 2023 is admittedly only at the stage where the maintainability of the application under Section 7 of the Insolvency and Bankruptcy Code 2016 was questioned. The application under Section 7 is still awaiting a hearing on merits, though it is common ground that nearly two years have gone by in the interregnum. Hence, we are not inclined to entertain these proceedings at the present stage.

2 After the application under Section 7 is heard and disposed of on merits, should it become necessary to do so, the parties would be at liberty to take recourse to all appropriate proceedings in accordance with law. At that stage, should it become so necessary, this Court will enquire into both the merits and maintainability. However, we also clarify that the issue of maintainability shall

1 “NCLAT”

stand concluded by the impugned order dated 17 November 2023 insofar as the National Company Law Tribunal² and NCLAT is concerned.

3 Since the application under Section 7 is pending for over two years, we request the NCLT to take up the application at the earliest possible date and to endeavour an expeditious disposal within two months.

4 Subject to the aforesaid, the Civil Appeals are dismissed.

5 Pending application, if any, stands disposed of.

.....CJI.
[Dr Dhananjaya Y Chandrachud]

.....J.
[J B Pardiwala]

.....J.
[Manoj Misra]

New Delhi;
December 11, 2023
-S-

ITEM NO.21+31

COURT NO.1

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s).7958-7959/2023

ANAND INFOEDGE PRIVATE LIMITED

Appellant(s)

VERSUS

NITIN BATRA & ORS.

Respondent(s)

(WITH IA No.253568/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.253569/2023-STAY APPLICATION)

WITH

C.A. No. 7950-7951/2023 (XVII)

(WITH IA No.253342/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.253345/2023-STAY APPLICATION)

Civil Appeal No(s).7980/2023

(WITH IA No.254535/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.254533/2023-STAY APPLICATION)

Date : 11-12-2023 These appeals were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

For Appellant(s)

Mr. Shyam Diwan, Sr. Adv.
Mr. Niranjan Reddy, Sr. Adv.
Mr. Sriram Parakkat, Adv.
Mr. M.S. Vishnu Sankar, Adv.
Mr. Sreenath S, Adv.
Ms. Athira G Nair, Adv.
Mr. Aditya Santosh, Adv.
Ms. Viddusshi, Adv.
Mr. Preney Sharma, Adv.
Ms. Anusha Saim Khan, Adv.
For M/S. Lawfic, AOR

Mr. Nalin Kohli, Sr. Adv.
Mr. Sriram P., AOR
Mr. MS Vishnu Shankar, Adv.
Mr. Aditya Santosh, Adv.
Ms. Athira Nair, Adv.
Mr. Saim Khan, Adv.

Mr. Niranjan Reddy, Sr. Adv.
Mr. NPS Chawla, Adv.
Mr. Sujoy Datta, AOR
Mr. Surekh Kant Baxy, Adv.
Ms. Mahima Shekhawat, Adv.
Mr. Vibhor Kapoor, Adv.
Mr. Jasjeet Singh, Adv.

For Respondent(s) Mr. Sahil Sethi, Adv.
Mr. Samriddh Bindal, Adv.
Mr. Vikash Kumar, Adv.
Ms. Srishti Kumar, Adv.
Ms. Swikriti Singhanian, AOR

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

- 1 The appeals are dismissed in terms of the signed order.
- 2 Pending application, if any, stands disposed of.

**(SANJAY KUMAR-I)
DEPUTY REGISTRAR**

**(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR**

(Signed order is placed on the file)