

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
AT CHENNAI
(APPELLATE JURISDICTION)
(IA No. 485/2025)
COMPANY APPEAL (AT) (CH) (INS) NO.152/2025
IA No. 404 /2025

IN THE MATTER OF:

1. METHUKU SRINIVAS

Suspended Director of M/s. Buoyant Technology
Constellations Pvt. Ltd.
C-5, Rich Homes, No.5/1, Richmond Road,
Bangalore 560 025
Email: csteam@mantri.in

...APPELLANT

V

1. TOTAL SOLUTIONS INTEC PRIVATE LIMITED

Having its Registered Office at No.20,
17th Main, HAL 2nd Stage, Off 100ft Road,
Indiranagar, Opposite Barbeque Nation,
H.A.L II Stage, Bangalore, Bangalore North,
Karnataka, India 560008
CIN: U74999KA2011PTC059092
Email: sarojtsipl@gmail.com
Ph: 9880037778

2. SHAIKH NAFIS ANJUM,

IRP of M/s. Buoyant Technology
Constellations Private Limited
IBBI/IPA-003/IPA-ICAI-N-00211/2018-2019/12363
A-34, Lower Ground Floor, Vikas Puri,
New Delhi – 110 018
Email: sn.anjum123@gmail.com
Ph: 9717128400

...RESPONDENTS

PRESENT :

For Appellant	:	Mr. M S Shyamsundar, Senior Advocate For Mr. Chandramouli Prabhakar, Advocate
For Respondent	:	Mr. Abhishek Sriram & Mr. Adith Jahgirdar, Advocates for R2/IRP Mr. Shaikh Nafis Anjum, IRP

ORDER
(Hybrid Mode)

17.07.2025:

The Challenge put by the Appellant in the instant Company Appeal, is to the Impugned Order dated 23.08.2024, that was rendered in C.P. (IB) No. 98/BB/2024, by virtue of which the proceedings under Section 9 stood admitted, as against the present Appellant.

The Company Appeal was instituted before this Appellate Tribunal by the Appellant, by e-filing the same on 02.09.2024. The Registry has scrutinised the appeal and pointed out certain defects, which were intimated to the Appellant on 04.09.2024, and the same was not rectified by the Appellant, till the Company Appeal was re-filed on 05.03.2025 with a delay in re-filing of 175 days.

Apart from the said lacuna, which is being suffered by this company Appeal of delayed re-filing, therein yet another remarkable feature, which this Tribunal cannot ignore is that, on one hand, the Appellant had pursued the Appeal before this Appellate Tribunal by filing the same before the Registry on 02.09.2024. Simultaneously, the Appellant had also filed a Writ Petition, being WP No. 24478/2024 before the Hon'ble High Court of Karnataka by filing the same on 03.09.2024 and what is more anguishing is that in the Writ Petition the pleading, which has been raised by the Appellant in ground (o) is to the following effect, "because the Petitioner has also filed an Appeal

before the learned NCLAT, Chennai, vide e-filing no. 9805111/01945/2024", "However the same has not yet been listed before the learned NCLAT, Chennai. Every day of delay in the listing of the Appeal is costing the Company and the Petitioner very heavily and dearly, and hence this petition".

The date of filing of Company Appeal was not disclosed. It was not disclosed why the Company Appeal was not taken up till the Writ Petition was filed on 03.09.2024, i.e., the very next day. In fact, the ground, which has been portrayed by the Appellant before the Hon'ble High Court for the purposes of preferring the Writ Petition, is portrayed as if the Appellate Tribunal, is to be blamed for the delayed presentation of the Company Appeal before the Tribunal for its consideration on merits, rather it is just the converse. After filing the Appeal on 03.09.2024, when the defects were pointed out by the Registry 04.09.2024, the onus was on the Appellant to rectify the defects within the time, which was provided by the Registry of the Appellate Tribunal. But that was not done, and instead, the Appellant filed the Writ Petition on 03.09.2024 by placing a distorted and false averment before the Hon'ble High Court of Karnataka as extracted above and got an Interim Order. The courts are not meant for the litigants who venture out for forum shopping, and try to succeed in litigation by concealing material fact and instead, engage in placing a distorted and false picture, with

an intention to mislead the court and to solicit the orders in their favour. It has been informed that in this Writ Petition which was preferred before the Hon'ble High Court of Karnataka, an Interim Order has been obtained by the Appellant in its favour.

Looking to the modus operandi of the Appellant, it is clear that he was not fair to the court. It is a settled proposition of law as settled by the Hon'ble Apex Court, that a person who is not fair to the Court/Tribunal is not even required to be heard in the matter. Further, it is seen that the Appeal itself is suffering from the vices of 176 days delay in re-filing.

The Appellant was neither fair to this Appellate Tribunal nor even to the Hon'ble High Court, because, he has filed the Appeal before this Tribunal on 02.09.2024 which was marked as defective. Immediately thereafter he filed a Writ Petition on 03.09.2024, without disclosing the true and correct facts and got an Interim Order on 03.09.2024 itself. Though the Registry of this Appellate as early as Tribunal has pointed out the defects and intimated to the Appellant on 04.09.2024, the defects have not been removed as the Appellant already succeeded in getting the Interim Order by the Hon'ble High Court which remained in operation till the Writ Petition was decided finally on 09.07.2025 meaning thereby the Appellant himself is responsible for not rectifying the defects and it is not the Tribunal who is to be blamed for not taking the Appeal at the earliest.

Since the Appellant was simultaneously pursuing two remedies for the same set of relief, the **Company Appeal (AT) (CH) (Ins) No.152/2025** would stand dismissed with a cost of Rs. 5 lakhs to be deposited in the Prime Minister's Relief Fund, within one month.

[Justice Sharad Kumar Sharma]
Member (Judicial)

[Jatindranath Swain]
Member (Technical)

GKJ/MS/RS