

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____/2026
[ARISING OUT OF SPECIAL LEAVE PETITION No.18523/2026]

DAVIS KOOTTALA VARKEY & ORS.

APPELLANT(S)

VERSUS

SAMSON T. GEORGE & ORS.

RESPONDENT(S)

O R D E R

1. Leave granted.
2. Heard learned counsel for the parties.
3. This appeal questions the order of the High Court of Kerala dated 21.04.2026 by which the writ petition against the order of National Company Law Tribunal ('NCLT') passed during liquidation proceedings was entertained, notice was issued and an interim order was passed.
4. On 26.05.2026, while entertaining this appeal, we had passed the following order:

"1. The submission of the learned counsel for the petitioner is that the High Court ought not to have entertained a challenge to the proceedings before the National Company Law Tribunal ("NCLT") which were under the Insolvency and Bankruptcy Code, 2016 ("IBC"). Reliance has been placed on two decisions of this Court, namely, Committee of Creditors of KSK Mahanadi

Power Company Ltd. v. Uttar Pradesh Power Corporation Ltd. and Others¹ and Mohammed Enterprises (Tanzania) Ltd. v. Farooq Ali Khan.

2. Issue notice, returnable in eight weeks.

3. In the meantime, the impugned order dated 21.04.2026 shall remain stayed.

4. Further proceedings in O.P.C. No. 295 of 2026 shall also remain stayed.”

5. The learned counsel for the appellant(s) submits that, though powers under Articles 226 and 227 of the Constitution of India cannot be whittled down by statutory provisions, where proceedings are under a statute and the statute frames a mechanism to challenge order(s) passed in those proceedings, judicial discipline requires that orders passed therein be challenged within the statutory framework. Therefore, orders passed in proceedings under the Insolvency and Bankruptcy Code, 2016 ('Code') must be challenged within the framework of the Code and not through a writ petition as has been held by this Court in *Committee of Creditors of KSK Mahanadi Power Company Ltd. v. Uttar Pradesh Power Corporation Ltd. and Others*¹ and *Mohammed Enterprises (Tanzania) Ltd. v. Farooq Ali*

*Khan*².

6. We find substance in the aforesaid submission. Section 61 of the Code provides for a right of appeal to any 'person aggrieved' by the order of the adjudicating authority under Part II of the Code. The right to appeal is provided in broad terms to any 'person aggrieved' by the order. Besides, the appeal provision uses the word 'order' without specifying its nature. In such circumstances, the judicial discipline would require the High Court to refrain itself from entertaining a challenge to the order passed by the Adjudicating Authority/ NCLT under the provisions of the Code, particularly when the aggrieved person can raise his grievances in the appeal.
7. We, therefore, set aside the order dated 21.04.2026 and dismiss the writ petition on the ground of alternative remedy by giving liberty to the writ petitioners to take recourse to appropriate legal remedy under the Code.
8. At this stage, the learned counsel for the respondents submits that under the Code, an appeal is to be filed within a specified period and that period is not extendable beyond 45 days and since that period has

already expired, this Court may give liberty to the respondent(s) to file an appeal along with an application under Section 14 of the Limitation Act, 1963.

9. Having regard to the facts of the case, we deem it appropriate to observe that in case an appeal is preferred by the respondent(s) before the National Company Law Appellate Tribunal within 15 days from today, along with an application, under Section 14 of the Limitation Act, 1963, seeking exclusion of the period during which the proceedings were pending before the High Court and this Court, the same shall be accorded due consideration in accordance with law.
10. The appeal is allowed as above. Pending application(s), if any, shall stand disposed of.

.....J
[MANOJ MISRA]

.....J
[VIJAY BISHNOI]

New Delhi
August 05, 2026

ITEM NO.8

COURT NO.11

SECTION XI-B

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

PETITION FOR SPECIAL LEAVE TO APPEAL (C) NO.18523/2026

[Arising out of impugned final judgment and order dated 21-04-2026 in OPC No. 1295/2026 passed by the High Court of Kerala at Ernakulam]

DAVIS KOOTTALA VARKEY & ORS.

Petitioner(s)

VERSUS

SAMSON T. GEORGE & ORS.

Respondent(s)

IA No. 188366/2026 - APPLICATION FOR VACATION OF INTERIM ORDER, IA No. 188337/2026 - CLARIFICATION/DIRECTION, IA No. 160618/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

Date : 05-08-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MANOJ MISRA
HON'BLE MR. JUSTICE VIJAY BISHNOI

For Petitioner(s) :Mr. Navin Pahwa, Sr. Adv.
Mr. Amit Pai, Adv.
Ms. Honey Satpal, Adv.
Mr. Nipun Singhvi, Adv.
Ms. Pankhuri Bhardwaj, AOR
Mr. Vedant Dave, Adv.
Mr. Mayur Jugtawat, Adv.
Mr. Arjun Sagar, Adv.

For Respondent(s) :Mr. P.B. Suresh Kumar, Sr. Adv.
Mr. Arvind Varma, Sr. Adv.
Mr. Akhil Suresh, Adv.
Mr. Asher Revi Job, Adv.
Mr. Pattathil Pranav Menon, Adv.
Mr. Naduvilaparambil Sebastian, Adv.

Ms. Mahima Chauhan, Adv.
Ms. Raghavi Shukla, Adv.
Mr. Pranav Krishna, AOR

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

1. Leave granted.
2. The appeal is allowed in terms of the signed order which is placed on the file.
3. All pending applications including IA No. 188366/2026 and IA No.188337/2026 shall stand disposed of.

(KAVITA PAHUJA)
ASTT. REGISTRAR-cum-PS

(SAPNA BANSAL)
COURT MASTER (NSH)