IN THE NATIONAL COMPANY LAW TRIBUNAL, MUMBAI

COURT – IV

IA (I.B.C) No. 1609/MB/2026
IN
IA (I.B.C) No. 4942/MB/2023
IN
CP (IB) No. 308/MB/2022

[Under Rule 11 of the National Company Law Tribunal Rules, 2016]

Magnus Consulting Private Limited

…... Applicant

Vs.

Mr. Anil Kashi Drolia

Resolution Professional of Renaisaance Urban Infra Pvt. Ltd.

…... Respondent/RP

In the matter of

Mr. Anil Kashi Drolia

...Applicant/RP

Vs.

1. **Mayur Ratilal Suchak**
2. **Deepti Mayur Suchak**
3. **Magnus Consulting Private Limited**

...Respondents

In the matter of

Clearwater Capital Partners Singapore Fund Pvt. Ltd.

...Financial Creditor

IA (I.B.C) No. 1609/MB/2026
IN
IA (I.B.C) No. 4942/MB/2023
IN
CP (IB) No. 308/MB/2022

Vs.

Renaisaance Urban Infra Pvt. Ltd

...Corporate Debtor

Pronounced: 19.11.2026

CORAM:

SHRI ANIL RAJ CHELLAN
HON'BLE MEMBER (TECHNICAL)

SHRI K. R. SAJI KUMAR
HON'BLE MEMBER (JUDICIAL)

Appearances : Hybrid

For Applicant : Sr. Adv. Prateek Sekseria a/w Adv. Mayank Samuel a/w Adv. Drumi Nishar i/b Sirius Legal

ORDER

1. This Application has been filed under Rule 11 of the National Company Law Tribunal Rules, 2016 (NCLT Rules) by Magnus Consulting Private Limited (Applicant) seeking recall and setting aside of that portion of the order dated 02.12.2025 passed in IA 4942 (MB) 2023 whereby the right of the Applicant to file its reply has been forfeited.

2. The Applicant seeks the following prayers:

a. *That this Hon'ble Tribunal may be pleased to recall and set aside that portion of the order dated 2 December 2025 passed in IA 4942 (MB) 2023 whereby the right of the Applicant to file its Affidavit in reply has been forfeited;*

b. *That this Hon'ble Tribunal may be pleased to direct that the Affidavit in Reply filed by the Applicant within the timeline granted by this Hon'ble Tribunal be taken on record;*

c. *That this Hon'ble Tribunal may be pleased to permit the Applicant to cure any procedural or technical defects in filing within such time as this Hon'ble Tribunal may deem fit; and*

d. *That this Hon'ble Tribunal may be pleased to pass such further and other orders as this Hon'ble Tribunal may deem fit in the interest of justice.*

3. BACKGROUND

3.1. The Applicant, i.e., Magnus Consulting Pvt. Ltd., is a Company incorporated under the provisions of the Companies Act, 1956, with its registered office located at 1217, 12th Floor, Hubtown Solaris, Prof. N.S. Phadke Marg, Opposite Teli Galli, Vijay Nagar, Andheri (E), Mumbai - 400069. The Applicant is a real estate consulting corporation, providing daily consultation and assistance to real estate entities, including the Corporate Debtor.

3.2. The present Applicant is arrayed as Respondent No. 3 in I.A. No. 4942 (MB) of 2023, which has been filed under Sections 43 and 44 of the Code, 2016, alleging that certain transactions constitute preferential transactions. The allegations involve substantial financial implications and serious civil consequences.

4. SUBMISSIONS OF APPLICANT

4.1. It is submitted that this Tribunal, *vide* Order dated 06.05.2024, granted liberty to the Respondents in IA. 4942 of 2023 to file their reply within two weeks therefrom and to serve the same upon the Respondent herein at least three days prior to the next date of hearing. This timeline was further

extended by a period of one week *vide* Order dated 12.07.2024. Accordingly, within the timeline granted by this Tribunal, the Applicant duly filed its Affidavit in Reply through the prescribed e-filing mechanism on 12.06.2024. An electronic acknowledgement evidencing the submission of the said Affidavit in Reply was generated upon such filing. The Applicant also served the Affidavit in Reply on the concerned parties by way of an email dated 03.09.2024.

4.2. It is therefore submitted that the Applicant had taken all the necessary steps to comply with the directions of this Tribunal. The Applicant filed the Affidavit in Reply within the time granted, and there was no delay, default, omission, or contumacious conduct on the part of the Applicant.

4.3. However, the Affidavit in Reply was not reflected as taken on record on account of certain procedural or technical defects in the e-filing process or at the stage of scrutiny by the Registry. It is pertinent to note that this Tribunal, *vide* order dated 02.09.2025, recorded that the reply filed by the Applicant was marked as 'Defective Doc' and granted a last opportunity to the Applicant to file a defect-free reply within a period of two weeks therefrom. Unfortunately, the defects were not reflected on the official e-filing portal due to technical difficulties. Consequently, the Applicant was not aware of the nature of the defects that needed to be cured to comply with the said Order and, therefore, failed to take the requisite steps to cure them.

4.4. The Applicant states that any such defects, if at all existing, are purely technical and curable in nature and do not detract from the fact that the filing was effected within time.

4.5. The matter was further listed on 02.12.2025. On that date, there was no representation on behalf of the Applicant; hence, this Tribunal passed an order recording that no reply had been filed within the stipulated period and consequently forfeited the Applicant's right to file its reply.

4.6. It is submitted that the forfeiture has thus occurred under an inadvertent assumption that no reply had been filed within the stipulated time. The Affidavit in Reply had already been filed within the prescribed timeline and served upon the concerned parties.

4.7. It is further submitted that forfeiture of the right to file a reply causes a serious consequence and ought not to operate where the party has complied with the timeline fixed by the Court. The right to defend proceedings under Sections 43 and 44 of the Code is a substantive right, and denial thereof would cause grave prejudice to the Applicant.

4.8. It is also submitted that no prejudice whatsoever would be caused to any other party if the Affidavit in Reply of the Applicant is directed to be taken on record. The proceedings are yet to be finally adjudicated, and consideration of the defence would only aid this Tribunal in arriving at a just and comprehensive determination. On the contrary, grave and irreparable prejudice would be caused to the Applicant if it were denied the opportunity to place its defence on record despite having complied with the timeline stipulated by this Hon'ble Tribunal.

5. ANALYSIS AND FINDINGS

5.1. We have heard the Ld. Sr. Counsel for the Applicant and have gone through the records.

5.2. Through the present IA, the Applicant herein, who is Respondent No. 3 in IA 4942 of 2023, is seeking recall of the order dated 02.12.2025 forfeiting its right to file reply in IA 4942 of 2023.

5.3. It is contended that the Applicant filed its reply electronically through the e-filing mechanism on 12.06.2024 and that the subsequent failure to take the same on record was on account of certain technical or procedural defect.

5.4. We have considered the facts of the case and submissions of the Ld. Sr. Counsel for the Applicant. We note that IA No. 4942/2023 is pending since 2023. It is not the case that the advance service of IA No. 4942/2023 was not done on the Applicant herein. It is also noted that the Tribunal granted the Applicant one last and final opportunity to file its defect-free reply within 2 (two) weeks *vide* order dated 02.09.2025.

5.5. On perusal of the case records, we find that the documents filed *vide* Filing No. 2709138089592023, dated 12.06.2024, is still lying in defect, which was notified on 02.09.2025. The relevant screenshot is as below:

26.	Vakaltnama	Magus Consulting Pvt. Ltd. : R3	Vakalatnama.pdf	12-06-2024	Defected Doc	2709138089592023/2
27.	Proof-of-Service	Magus Consulting Pvt. Ltd. : R3	proof-of-service.pdf	12-06-2024	Defected Doc	2709138089592023/2
28.	Reply	Magus Consulting Pvt. Ltd. : R3	Affidavit-in-Reply.pdf	12-06-2024	Defected Doc	2709138089592023/2

5.6. Despite the last opportunity, the Applicant failed to cure the defects and file a defect-free reply within two weeks as ordered. The explanation given by the Applicant that the defects were not reflected on the e-filing portal cannot be accepted as sufficient justification, as the Applicant was aware that its reply had been marked as defective and was required to take appropriate steps to comply with the directions of this Tribunal.

5.7. While the Applicant was granted sufficient opportunities to place its reply on record, it failed to take necessary steps to cure the defects. However, this Application has been filed seeking to recall a portion of the order dated 02.12.2025 to bring on record its reply. We notice that IA. No. 4943/2023 is still pending and is yet to be finally heard.

5.8. Under these facts and circumstances, in exercise of the powers conferred under Rule 11 of the NCLT Rules, this Bench, for meeting the ends of justice, recall the order dated 02.12.2025 passed in IA 4942 (MB) 2023, whereby the right of the Applicant to file its Affidavit in reply was forfeited, subject to the condition that the reply be filed and reflected defect-free on DMS portal within 2 weeks from the date of uploading of this Order.

5.9. In view of the above, **IA No. 1609/2026** is **allowed** and **disposed of.**

Sd/-

ANIL RAJ CHELLAN
MEMBER (TECHNICAL)

Sd/-

K. R. SAJI KUMAR
MEMBER (JUDICIAL)

Sanika, LRA