

# **Institutional & Empirical Study of National Company Law Tribunal (NCLT), Kolkata**

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## Chapter 1: Introduction

The National Company Law Tribunal (NCLT) is a vital component of India's commercial dispute resolution system. It was constituted by the Central Government under Section 408 of the Companies Act, 2013, with effect from June 1, 2016.<sup>2</sup> The idea of establishing a specialised company law tribunal emerged from the recommendations of the Eradi Committee (1999-2000),<sup>3</sup> which called for a unified body to address the fragmentation of the corporate dispute resolution system. Before the NCLT's establishment, such matters were handled by the Company Law Board (CLB), the Board for Industrial and Financial Reconstruction (BIFR), and various high courts. The NCLT replaced these multiple forums as a single quasi-judicial authority designed to ensure time-bound, speedy resolution of commercial disputes, including cases arising under the Insolvency and Bankruptcy Code, 2016 (IBC).<sup>4</sup> The tribunal sought to combine procedural efficiency with technical expertise.

However, nearly a decade after its formulation, the everyday functioning of NCLT benches continues to raise important questions about adjudicatory capacity, institutional framework, and the lived realities of tribunal justice. While political debates surrounding the creation of these tribunals often focus on legislative motives, backlogs or disposal figures, relatively little attention has been paid to how tribunals actually function on a day-to-day basis. Courtroom processes, allocation of judicial time, frequency of adjournments, interaction between the bench and counsel, technical issues and the speed and quality of hearings remain under-examined. These seemingly minor procedural aspects have a direct impact on the quality of adjudication and case outcomes, as well as on the litigant's experience in these tribunals.

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<sup>2</sup> The Companies Act, 2013, § 408, India Code, [https://ise.indiacode.nic.in/show-data?abv=CEN&statehandle=123456789/1362&actid=AC\\_CEN\\_22\\_29\\_00008\\_201318\\_1517807327856&sectionId=49303&sectionno=408&orderno=460&orgactid=AC\\_CEN\\_22\\_29\\_00008\\_201318\\_1517807327856](https://ise.indiacode.nic.in/show-data?abv=CEN&statehandle=123456789/1362&actid=AC_CEN_22_29_00008_201318_1517807327856&sectionId=49303&sectionno=408&orderno=460&orgactid=AC_CEN_22_29_00008_201318_1517807327856)

<sup>3</sup> Report of the High Level Committee on Law Relating to Insolvency and Winding Up of Companies 2000, (Eradi Committee Report, 2000), <https://ibbi.gov.in/uploads/resources/July%202000,%20Eradi%20Committee%20Report%20on%20Law%20relating%20to%20Insolvency%20and%20winding%20up%20of%20Companies.pdf>

<sup>4</sup> The Insolvency and Bankruptcy Code, 2016, [https://ise.indiacode.nic.in/handle/123456789/2154?view\\_type=search&col=123456789/1362](https://ise.indiacode.nic.in/handle/123456789/2154?view_type=search&col=123456789/1362)

This study examines the NCLT Kolkata Bench from an institutional and empirical perspective. Drawing on courtroom observations, time-and-motion analysis, the study of disposed data (from January 2023 to January 2026), and stakeholder perspectives, the study seeks to move beyond abstract assessments of efficiency towards an understanding of the tribunal's actual functioning in practice.

The selection of NCLT Kolkata as the site of study is deliberate. As a jurisdiction that handles a high volume of insolvency and company law matters arising from Bihar, Jharkhand, West Bengal and Andaman & Nicobar Islands,<sup>5</sup> the bench operates under significant workload pressures while navigating infrastructural constraints, procedural expectations, and an evolving legislative framework shaped by ongoing amendments and judicial reforms under the IBC. Moreover, existing empirical research on the NCLT Kolkata Bench is limited, particularly studies based on primary data collected directly via observation of court hearings. Much of the existing scholarship evaluates the performance of courts through doctrinal analysis or secondary datasets, providing only a partial understanding of institutional behaviour. This paper seeks to address this gap by adopting a mixed-methods approach grounded in observational analysis of the NCLT Kolkata Bench.

By integrating multiple data sources of empirical evidence, this study aims to answer two broader questions:

1. How effectively does the NCLT Kolkata Bench function as a commercial tribunal?
2. What does an observation of the daily processes of the NCLT Kolkata Bench reveal about the strengths and limitations of tribunal justice in India?

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<sup>5</sup> National Company Law Tribunal, "Benches," <https://nclt.gov.in/national-company-law-tribunal-benches>

## Chapter 2: Overview of Legislative and Judicial Approaches to NCLT Reform

### 2.1 272<sup>nd</sup> Law Commission Report, 2017

A year after the NCLT's inception, the 272<sup>nd</sup> Law Commission Report, 2017,<sup>6</sup> evaluated the statutory framework of tribunals in India. It found that, despite their introduction to reduce pendency and expedite justice, tribunals had not fully achieved their purpose. The Commission also observed that the judicial review by high courts against tribunal orders was time-consuming and expensive, thereby defeating the very purpose for which tribunals were established in the first place. The report further emphasised that the constitutional principle of judicial independence of tribunal members could only be upheld through secure tenure, uniform service conditions, a selection process independent of executive influence, and the timely filling of vacancies — ideally within six months. The report's recommendations remain relevant today, nearly a decade later. Findings from the present study on the NCLT Kolkata Bench reinforce these concerns. Legal practitioners cited persistent backlogs, heavy caseloads on the two available benches, and insufficient member strength.

### 2.2 Key Supreme Court Judgements on NCLT's Role and Performance

The Supreme Court has played a pivotal role in shaping the constitutional framework, independence, and functioning of the NCLT. Its judgments have consistently addressed concerns regarding tribunal appointments, tenure, and executive interference, thereby influencing the institutional integrity and performance of the tribunal.

**(i) Constitutionality and Institutional Integrity:** The Supreme Court's jurisprudence has played a crucial role in safeguarding the constitutional integrity of the NCLT. The relationship between the Supreme Court and Parliament has been particularly contentious in the context of tribunal appointments, with the Court repeatedly rejecting the executive's attempts to maintain control over the selection and tenure of tribunal members. In the *Madras Bar Association*

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<sup>6</sup> 'Law Commission of India, 272<sup>nd</sup> Report on Assessment of Statutory Frameworks of Tribunals in India, (October 27, 2017), <https://cdnbbsr.s3waas.gov.in/s3ca0daec69b5adc880fb464895726dbdf/uploads/2022/08/2022081632-2.pdf>

judgments decided by the Supreme Court in 2010 and 2021,<sup>7</sup> the Court upheld Parliament’s legal competence to create the NCLT and NCLAT, while also holding that flaws in the appointment processes, inadequate security of tenure, and executive influence over appointment render these institutions constitutionally weak unless remedied. The Court specifically noted that the three-year term and retirement age of 65 would deter qualified individuals from joining tribunals, thereby weakening their institutional effectiveness, a concern that Justice Ravindra Bhat described as having a “very adverse” impact on recruitment. Despite these decisions, the Tribunal Reforms Act, 2021<sup>8</sup> reinstated the same provisions that had been struck down twice, which the court said demonstrated a deliberate disregard of judicial directives by the executive. In its November 19, 2025 judgment in *Madras Bar Association v. Union of India & Another*,<sup>9</sup> the Supreme Court once again struck down the Tribunals Reforms Act, 2021 as an unconstitutional legislative override, describing the matter as a continuing constitutional dialogue on the structure, independence, and functioning of tribunals, with compliance and implementation of these directions remaining subject to ongoing institutional development.

**(ii) Role and Jurisdiction:** The Supreme Court has clarified the scope and limits of the NCLT’s jurisdiction, particularly at the admission stage of insolvency proceedings. Its jurisprudence emphasises a limited, procedural role that focuses on verifying default, while excluding considerations of commercial viability and business prudence.

In *Power Trust (Promoter of Hiranmaye Energy Limited) v. Bhuvan Madan IRP* (2026),<sup>10</sup> the Supreme Court reaffirmed that the role of the Adjudicatory Authority (AA)—the NCLT—at the admission stage of insolvency proceedings is strictly limited to verifying the existence of financial debt and default under Section 7 of the IBC. The Court held that questions of business viability, going concern status, and the comparative merits of settlement proposals were entirely

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<sup>7</sup> *Union of India v. R. Gandhi*, (2010) 11 SCC 1, <https://indiankanoon.org/doc/748977/>

*Madras Bar Association v. Union of India & Another*, W.P. (C) No. 502 of 2021, <https://indiankanoon.org/doc/105716048/>

<sup>8</sup> Tribunal Reforms Act 2021 (Act No. 33 of 2021),

[https://prsindia.org/files/bills\\_acts/acts\\_parliament/2021/The%20Tribunals%20Reforms%20Act,%202021.pdf](https://prsindia.org/files/bills_acts/acts_parliament/2021/The%20Tribunals%20Reforms%20Act,%202021.pdf)

<sup>9</sup> *Madras Bar Association v. Union of India & Another*, 2025 INSC 1330, WP(C) No. 1018 of 2021, (November 29, 2025) – the Court struck down Sections 3, 4, 5, 6 and 7 of the Tribunals Reforms Act, 2021,

<https://indiankanoon.org/doc/17580897/>

<sup>10</sup> *Power Trust (Promoter of Hiranmaye Energy Ltd) v. Bhuvan Madan (Interim Resolution Professional)*, 2026 INSC 166 (Supreme Court of India), <https://indiankanoon.org/doc/2574463/>

outside the NCLT's jurisdiction at this stage. This clarified that earlier observations in *Vidarbha Industries*<sup>11</sup> (to the effect that NCLT has limited discretion at the stage of admission of a Section 7 IBC application) did not constitute binding precedent permitting a broader investigation.

This is further reinforced by the proposed amendment to Section 7 of the IBC (Amendment) Bill, 2025,<sup>12</sup> which seeks to limit NCLT scrutiny at the admission stage to three broad grounds: default; completeness of the application; and absence of disciplinary action against the proposed resolution professional. Explanation I clearly states that no other grounds will be considered. This legislative proposal effectively codifies the limited admission-stage role reaffirmed in *Power Trust* and resolves the discretion debate initiated by *Vidarbha Industries*. Notably, the Court also upheld the non-justiciability of the Committee of Creditors' (CoC) commercial wisdom, confirming that once it approves a resolution plan, judicial intervention is not required simply because the corporate debtor offers an option it deems preferable. For this study, this case is institutionally important because it reiterates the statutory mandate surrounding the short but crucial period each Section 7 IBC application must go through at the NCLT. The dataset's results establish that despite this statutory mandate, Section 7 IBC cases take an average of 710 days to resolve, illustrating the gap between the Code's vision of a speedy, limited process (as emphasised in numerous Supreme Court judgments) and its institutional reality, as observed at the NCLT Kolkata Bench.

**(iii) Performance and Conduct:** The Supreme Court has also addressed issues related to the performance and conduct of stakeholders within the insolvency framework, highlighting delays, non-compliance, and process deficiencies. Its decisions demonstrate the importance of timely resolution and adherence to the objectives of the IBC. In the case of *State Bank of India vs. Consortium of Mr. Murari Lal Jalan and Mr. Florian Fritsch*, the Supreme Court delivered two significant judgments related to the bankruptcy saga Jet Airways (India) Limited. In the first judgment (January 2024), the Court held that the ₹150 crore performance bank guarantee could not be adjusted against the first installment of payment under the resolution plan and directed

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<sup>11</sup> *Vidarbha Industries Power Ltd v Axis Bank Ltd*, (2022) 6 SCC 384, <https://indiankanoon.org/doc/192959010/>

<sup>12</sup> Select Committee on the Insolvency and Bankruptcy Code (Amendment) Bill, 2025, Report, 18th Lok Sabha, December 17, 2025), Clause 4 (amending Section 7 of the IBC), <https://ibbi.gov.in/uploads/resources/2ce0f4a4a146d49fb96f4939aa4fbe25.pdf>

strict compliance with the terms of the plan.<sup>13</sup> In the second and final judgment (November 2024), the Court ordered liquidation under Section 33(3) of the IBC after finding that the successful resolution applicant had repeatedly failed to implement the approved resolution plan despite multiple extensions granted by the NCLT, NCLAT, and the Supreme Court itself.<sup>14</sup>

This judgment highlighted three institutional concerns<sup>15</sup> which have also been examined in this study. First, the Court clearly stated that “timely liquidation should be preferred to a never-ending resolution process”, underscoring that the indefinitely prolonged CIRP is not just a procedural failure, but undermines the core objectives of the IBC. Second, it criticised the NCLT and NCLAT for granting repeated extensions, noting that “authorities, including the NCLT and NCLAT, should not help successful resolution applicants escape the rigours of the law by acceding to their requests for relaxation of the terms of the plan.” Third, the Court described the case as an “eye-opener” exposing structural deficiencies in the functioning of the NCLT.

In the case of *Chalasan Udaya Shankar and others v. Lexus Technologies Private Limited and others* (2024),<sup>16</sup> the Court observed that neither the Acting President of the NCLT nor the NCLAT had seriously examined the issues raised before them. It was found that the tribunal had not verified the claims made by the parties, and no scrutiny was conducted of the facts, materials, and evidence presented.

### **2.3 Reports dealing with Efficiency, Delay and Disposal before NCLT**

Multiple institutional reports and policy analyses have examined systemic deficiencies, delays, and resolution challenges within the NCLT framework. These studies identify structural barriers

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<sup>13</sup> *State Bank of India & Ors. v. The Consortium of Mr. Murari Lal Jalan and Mr. Florian Fritsch & Anr.*, 2024 INSC 51, Civil Appeal Nos. 3736-3737 of 2023

<sup>14</sup> *State Bank of India & Ors. v. The Consortium of Mr. Murari Lal Jalan and Mr. Florian Fritsch & Anr.*, 2024 INSC 852, Civil Appeal Nos. 5023-5024 of 2024,  
[https://api.sci.gov.in/supremecourt/2024/17210/17210\\_2024\\_1\\_1506\\_57037\\_Judgement\\_07-Nov-2024.pdf](https://api.sci.gov.in/supremecourt/2024/17210/17210_2024_1_1506_57037_Judgement_07-Nov-2024.pdf)

<sup>15</sup> *State Bank of India & Ors. v. The Consortium of Mr. Murari Lal Jalan and Mr. Florian Fritsch & Anr.*, 2024 INSC 852, paras 139–150,  
[https://api.sci.gov.in/supremecourt/2024/17210/17210\\_2024\\_1\\_1506\\_57037\\_Judgement\\_07-Nov-2024.pdf](https://api.sci.gov.in/supremecourt/2024/17210/17210_2024_1_1506_57037_Judgement_07-Nov-2024.pdf)

<sup>16</sup> *Chalasan Udaya Shankar and others v M/s Lexus Technologies Pvt Ltd and others*, Civil Appeal Nos 5735–5736 of 2023, 2024 INSC 671 (Supreme Court of India, September 9, 2024),  
[https://api.sci.gov.in/supremecourt/2023/24030/24030\\_2023\\_2\\_1501\\_55462\\_Judgement\\_09-Sep-2024.pdf](https://api.sci.gov.in/supremecourt/2023/24030/24030_2023_2_1501_55462_Judgement_09-Sep-2024.pdf)

impacting timely resolution and provide an empirical basis for understanding the gap between the IBC's intent and its implementation.

(i) In his chapter “Judicial Efficiency and Causes for Delay” in the *State of the Indian Judiciary Report* published by DAKSH in 2016,<sup>17</sup> Alok Prasanna Kumar provides a directly comparable empirical and methodological basis for this study's time-motion analysis. The report identifies systemic, institutional causes of delay rather than case-specific inefficiencies. It finds that 81.8% of cases took more than five years to resolve, and nearly 57% took more than ten years.<sup>18</sup> Notably, the analysis challenges the assumption that a higher number of hearings reflect more work or effort. Instead, cases requiring more listings often signal an inability to conclude cases, which increases the cost burden on parties without advancing resolution.<sup>19</sup> The report also distinguishes between pendency (all undisposed cases), delay (cases exceeding the normal disposal time), and arrears (delays without valid reasons), a framework that has significantly inspired the empirical design of the present study.

(ii) The Economic Survey 2025-26 published by the Department of Economic Affairs, Ministry of Finance<sup>20</sup> highlights a problem at the heart of India's insolvency framework. According to the survey, while the IBC has significantly improved credit discipline and recovery structurally, its fundamental promise of time-bound resolution remains unfulfilled across the system. On the positive side, the survey shows that recovery rates through the IBC mechanism have increased from 28.3% in FY24 to 36.6% in FY25. S&P Global Ratings also upgraded India's insolvency system from Group C to Group B<sup>21</sup> in December 2025,<sup>22</sup> highlighting that average recovery rates under the pre-IBC system have increased from 15-20% to around 30%, while resolution timelines have decreased from six to eight years to around two years. The report also recorded

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<sup>17</sup> DAKSH, *State of the Indian Judiciary* (2016), 93,

[dakshindia.org/wp-content/uploads/2023/02/State-of-the-Judiciary.pdf](https://ise.dakshindia.org/wp-content/uploads/2023/02/State-of-the-Judiciary.pdf)

<sup>18</sup> Alok Prasanna Kumar, “Judicial Efficiency and Causes for Delay” in *State of the Indian Judiciary* (DAKSH, 2016), 93, <https://ise.dakshindia.org/state-of-the-indian-judiciary-xhtml/e-courts-system-benefits-india>

<sup>19</sup> *Ibid.*

<sup>20</sup> Ministry of Finance, Government of India, *Economic Survey 2025-26*, (Department of Economic Affairs, January 2026), <https://ise.indiabudget.gov.in/economicsurvey/doc/echapter.pdf>

<sup>21</sup> “Group A” represents the highest recovery outcomes and “Group C” the lowest.

<sup>22</sup> Abhijit Lele, “S&P Upgrades Rating for India's Insolvency Regime as IBC Lifts Recoveries,” *Business Standard*, December 3, 2025,

[https://www.business-standard.com/finance/news/finance-insolvency-sp-global-upgrades-india-insolvency-regime-ibc-125120300238\\_1.html](https://www.business-standard.com/finance/news/finance-insolvency-sp-global-upgrades-india-insolvency-regime-ibc-125120300238_1.html)

that, of all CIRP proceedings closed by September 2025, 57% resulted in going-concern rescue, and creditors received ₹3.99 lakh crore from resolved cases—signalling a recovery of 94% of fair value and 170% of liquidation proceeds.

However, these benefits are undermined by institutional delays. Although the IBC mandates the completion of CIRP within 330 days, including extensions, the actual average duration stands at 713 days overall and 853 days for cases closed in FY25—a difference of more than 150%. The survey attributes this to a lack of capacity at the adjudicatory level, as only 30 NCLT benches across the country handle cases falling under the jurisdiction of both the IBC and the Companies Act.<sup>23</sup> This macro-level finding of the survey is also corroborated by the micro-level data of this empirical study.

**(iii)** *The State of the Tribunals* Report published by DAKSH in September 2025<sup>24</sup> offers the most recent comprehensive assessment of systemic constraints affecting commercial tribunals at the national level. As part of its study analysing 10 commercial tribunals in India, the report (in chapter 3) highlighted the structural constraints of NCLT and NCLAT. A central finding concerns staffing. Of the NCLT's 434 staff members, 382 were on contract, and only 17 were on deputation. This means that 88% of the workforce is temporary, thus lacking institutional continuity and a pipeline of specialised expertise, and enjoying no incentives to build an organisational culture. The report also raises concerns about the composition of tribunal members. 79% of technical members were retired civil servants and public sector bankers rather than bankruptcy or corporate law professionals, a pattern it describes as a “dilution of standards” that defeats the tribunal’s founding premise. On timelines, the study recorded a national average of 752 days for completion of CIRP, significantly exceeding the prescribed statutory timeline of 330 days.

## **2.4 Absence of Bench-Specific Study on NCLT Kolkata**

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<sup>23</sup> Standing Committee on Finance, *Review of Working of Insolvency and Bankruptcy Code and Emerging Issues* (28<sup>th</sup> Report, December 2025), Lok Sabha Secretariat,

<https://ibbi.gov.in/uploads/resources/d75daa3a490fc1bc316632cd993fca06.pdf>

<sup>24</sup> Ritima Singh and Neha S, “National Company Law Tribunal (NCLT) and National Company Law Appellate Tribunal (NCLAT),” in *The State of the Tribunals Report: A Baseline Report on India’s Tribunals* (DAKSH, September 2025), 48–93, <https://ise.dakshindia.org/the-state-of-tribunals-report-in-india-2025>

A substantial body of empirical and policy-related research has examined the functioning of the NCLT and India's insolvency framework as a whole. The IBBI's annual report tracks system-wide CIRP outcomes, and DAKSH's *State of Tribunals Report (2025)* maps institutional capacity in commercial tribunals. Collectively, this literature has identified persistent delays, vacancy-driven capacity constraints, and structural deficiencies within NCLT. However, these analyses are primarily based on national aggregates and system-wide averages. As a result, they do not shed light on how these constraints manifest at the level of a single bench in its daily hearing patterns, case type composition, adjudication patterns, and the experiences of practitioners appearing before it. Yet it is precisely at this micro-institutional level that the operational realities of tribunal justice, and the scope for meaningful reform, become most visible.

This study addresses that gap by focusing on the NCLT Kolkata as its primary site of investigation. This choice is deliberate. The NCLT Kolkata is a two-bench tribunal exercising jurisdiction over four geographically and economically diverse regions.<sup>25</sup> Despite significant caseload pressure, it operates under structural constraints—namely, only two courtrooms. These conditions make it an analytically valuable site where institutional deficiencies are not only visible but also measurable. Here, its disposition patterns, adjudication ratios, and hearing patterns can be analytically understood in ways that national data conceal.

Importantly, this study is not limited to a single-bench analysis. It also proposes a replicable methodological template for empirical tribunal research. The observational framework, data collection instruments and reform recommendations developed here are designed to be adaptable to other NCLT benches facing similar structural conditions. In this sense, the NCLT Kolkata bench is both the subject of this study and a proof-of-concept for bench-specific empirical research as a tool for institutional reform.

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<sup>25</sup> National Company Law Tribunal, “Benches.”

### Chapter 3: Research Methodology

This study employs an empirical, mixed-methods research design to examine the institutional functioning of NCLT, Kolkata. Within the NCLT Kolkata, Bench I and Bench II were selected to enable a comparative institutional analysis of how differences in bench composition, scheduling practices, court management and functioning mechanisms may affect adjudication outcomes and overall efficiency. The dataset comprises 187 disposed cases from January 2023 to January 2026, extended to include cases dating back to 2006, accessible through the NCLT portal during the study period. The dataset includes the following main case categories: IBC cases, company petitions, Companies Act Arrangement (CAA) scheme, appeals under Section 252(1) of the Companies Act, 2013, as well as interlocutory applications (IAs) and miscellaneous matters.

The research is based on four interlocking sources of primary data, each designed to capture a specific aspect of institutional performance:

**(i) Direct courtroom observation** of Bench I and Bench II was conducted over a one-month observation period. This involved recording court hours, actual start and end times of hearings, case-by-case time allocation, frequency of absorption, and gaps between court hours. This creates a detailed, real-time record of how court time is actually used as opposed to how it is formally scheduled.

**(ii) A disposed case dataset of 187 cases** was collected from tribunal records publicly available on the NCLT portal. Key variables include the nature of the proceedings, bench allocation, related party, applicable section, and the timeline between consecutive listings and final orders. Importantly, individual PDF order records were manually extracted for each case, a necessary step due to the absence of published institutional sources that disaggregate this data at the bench level. By systemically engaging with primary tribunal documents at this level of detail, the study offers a granular empirical account of adjudicatory patterns that is currently unavailable in the literature.

**(iii) A structured questionnaire** consisting of 17 questions was administered to practitioners appearing before the NCLT Kolkata Bench via Google Forms. A total of 37 responses were received. Five informal interviews were also conducted with experienced practitioners. The survey results are used to confirm and contextualise the quantitative results, and no individual conclusions are generated solely on the basis of the interviews.

**(iv) Field notes were recorded during court visits**, including anonymised informal conversations with court staff and practitioners. These insights are used to contextualise quantitative results without compromising ethical standards or identifying individual informants. This study was conducted in accordance with the ethical guidelines of the author's institution (DAKSH), and no personal information is recorded or retained.

Based on the data collected, a time-motion study was designed to measure the distribution and use of judicial time during regular court hours. This includes an examination of not only the time spent on each case but also administrative delays, technical interruptions, and the proportion of listed cases actually heard on any given day. Cases were also categorised by procedural stage to analyse how time is distributed across different types of proceedings. Data analysis was conducted using descriptive statistics.

AI-assisted tools were used for the limited purpose of identifying patterns in large tabular data. All analytical interpretations, results, and judgments were solely those of the author. Survey responses were examined to identify matches and discrepancies between stakeholder perceptions and practices directly observed during field visits. Overall, this approach ensured triangulation between multiple sources of evidence, ensuring the study's findings were grounded in current institutional realities, to prepare the first bench-specific empirical analysis of the functioning of NCLT Kolkata.

## Chapter 4: Institutional Overview of NCLT Kolkata

The National Company Law Tribunal operates through a decentralised bench structure, with each bench exercising jurisdiction over a defined territorial domain. In the first phase in 2016, 11 benches were established across the country, including the Kolkata Bench (with Court-I).<sup>26</sup> The NCLT Kolkata Bench is currently located at Corporate Bhawan, Akhandakeshari, New Town, Kolkata. These new premises (Kolkata) were formally inaugurated on May 19, 2025. A newly formed NCLT bench (likely Bench III or a subsequent bench) was also inaugurated in Kolkata on the same day, chaired by NCLT President Justice Ramalingam Sudhakar.

### 4.1 Statutory Requirements for Members

An NCLT bench is composed of one judicial member and one technical member. The qualifications for their appointment are prescribed under Section 409 of the Companies Act, 2013.<sup>27</sup>

Judicial Member	Technical Member
<ul style="list-style-type: none"><li>• A High Court Judge, or</li><li>• A District Judge for at least five years, or</li><li>• An Advocate with at least 10 years practice dealing with company law, insolvency, or commercial matters.</li></ul>	<ul style="list-style-type: none"><li>• At least 15 years' experience as:<ul style="list-style-type: none"><li>○ Member of Indian Corporate Law Service/Legal Service (with rank of Secretary/Additional Secretary), or</li><li>○ Chartered Accountant in practice, or</li><li>○ Cost Accountant in practice, or</li><li>○ Companies Secretary in practice, or</li><li>○ A person having special knowledge and professional experience in industrial finance, industrial management, industrial reconstruction, investment and accountancy, or</li></ul></li><li>• At least 5 years as presiding officer of a labour court, tribunal or national tribunal under the Industrial Disputes Act</li></ul>

<sup>26</sup> National Company Law Tribunal, <https://nclt.gov.in/>

<sup>27</sup> Companies Act, 2013, § 409, India Code, [https://ise.indiacode.nic.in/show-data?actid=AC\\_CEN\\_22\\_29\\_00008\\_201318\\_1517807327856&sectionId=49304&sectionno=409&orderno=461](https://ise.indiacode.nic.in/show-data?actid=AC_CEN_22_29_00008_201318_1517807327856&sectionId=49304&sectionno=409&orderno=461)

The section does not provide for any exception or relaxation; it is absolute and leaves no scope for deviation.

## **4.2 Member Strength**

As of January 2026, the NCLT Kolkata Bench has five members<sup>28</sup>—three judicial and two technical—sitting across three courts. Ms. Bidisha Banerjee, Member (J), is the most senior member, having joined on November 18, 2022. Mr. Labh Singh, Member (J), and Mr. Chekati Radha Krishna, Member (J) joined on February 12, 2025 and January 20, 2025, respectively. Two technical members, Commodore (R) Siddharth Mishra, Member (T), and Ms. Rekha Kantilal Shah, Member (T), both joined on January 20, 2025.

With five members, this bench composition creates a structural constraint. A full sitting of the courts at Kolkata requires an equal number of members across the courts, so that the caseload burden can be equally distributed across the benches. It is noteworthy that four of the five current members joined within two months between January and February 2025, indicating a near-complete reconstitution of the Bench during the study period. This has implications for institutional continuity, particularly in relation to long-pending cases that predate the current composition by several years.

From an institutional perspective, member strength and composition influence not only the number of cases that can be heard but also qualitative aspects of adjudication, including the depth of hearings, predictability of listings, and consistency of judicial perspectives on cases that have been pending for years. With three judicial members and two technical members presiding over IBC cases, company petitions, CAA scheme and Section 252 restoration applications, the increase in the cause list recorded in the time-motion analysis—an average of 220 (Bench II) and 231 (Bench I) listed cases per day—is a direct and predictable consequence of limited capacity relative to the caseload.

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<sup>28</sup> National Company Law Tribunal, “NCLT Bench – Kolkata,” <https://nclt.gov.in/kolkata-bench/nclt-member>



Interior of the NCLT Kolkata Bench I and II courtroom, photographed by the author during field study, January 2026. The images illustrate the courtroom conditions and practitioner density observed across sitting days.

### **4.3 Bench Sitting Hours and Time-Motion Analysis**

This section briefly summarises key findings from the time-motion analysis of Benches I and II. Chapter 5 provides detailed data and explanations for each day.

Direct observation over 15 sitting days between January 5, 2026 and January 28, 2026 (Bench II) and between January 6, 2026 and January 30, 2026 (Bench I) produced a granular, real-time record of how judicial time was actually utilised as opposed to how it is formally scheduled. The results reveal four structural patterns that directly explain delays and adjournments.

**(i) Start Time Compliance:** Although the prescribed sitting hours for all NCLT benches are 10:30 AM–1:00 PM and 2:00 PM–4:30 PM, subject to the directions of the President or the Bench,<sup>29</sup> proceedings frequently started late. In many cases, the delay in commencement reduced effective sitting time (see Chapter 5).

**(ii) Cause List Coverage:** The average cause list comprised approximately 220 cases (Bench II) and 231 cases (Bench I) per day.<sup>30</sup> Despite these high listing volumes, daily case disposal remained limited. This is not an isolated incident, but a structural feature of the Bench’s operating model (see Chapter 5).

**(iii) Adjournment Rate:** A significant proportion of cases were adjourned without substantive hearing, contributing to low disposal rates. Administrative and procedural factors were key contributors (see Chapter 5).

Overall, these patterns point to systemic deficiencies in scheduling, case management, and procedural handling.

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<sup>29</sup> National Company Law Tribunal (Procedure) Rules, 2016, r. 9, [https://nclt.gov.in/sites/default/files/Act%26rules/Rules\\_NCLT\\_latest\\_0.pdf](https://nclt.gov.in/sites/default/files/Act%26rules/Rules_NCLT_latest_0.pdf)

<sup>30</sup> The Cause List figure shows all items listed on the NCLT portal cause list for each sitting day, including main cases, interlocutory applications, and miscellaneous applications. The count does not distinguish between main cases and applications, as both appear on the same published cause list and compete for the same bench time.

## **Chapter 5: Empirical Finding - I: Time-Motion Study of NCLT Kolkata Bench**

### **5.1 Overview and Methodology of Time-Motion Study**

A recurring concern in discussions about the NCLT's functioning is that official data captures outcomes, like disposal, pendency, and timelines, but not processes. While existing data tells us how long a case takes, it does not shed light on how that time is actually utilised in the courtroom. To address this gap, a time-motion study of the NCLT Kolkata Bench was conducted.

A time-motion study is a structured observational method that records how time is distributed between different activities in a given setting, in this case, the courtroom. Rather than relying on case records or registry data, it captures real-time courtroom behaviour, including when proceedings begin, how long each case takes, whether a case is actually heard or simply adjourned, and how much of the court's allotted time is actually used.

This study records the actual time utilisation of NCLT Kolkata Bench over 15 sitting days (16 sessions) observed between January 5, 2026 and January 28, 2026 (Court II), and between January 6, 2026 and January 30, 2026 (Court I). Observations were recorded (hybrid mode) in real time: the actual start time of proceedings, mid-session breaks with start and end times, the end of the morning session, the case number and details of each case actually called before the bench, and the disposition of each hearing (adjourned, actually heard, or disposed of by order).

The scheduled start time for all NCLT benches is 10:30 AM. Cause list item numbers are drawn from the cause list published on the NCLT portal and represent the total number of cases listed for each sitting day. The metric "cases heard as a percentage of cause list items" reflects the proportion of listed cases actually called before the bench on that day. All data is primary, recorded directly through observation and cross-verified with the cause list PDF linked in the dataset.

### **5.2 Aggregate Summary (NCLT Kolkata Bench – Court-II)**

<b>Metric</b>	<b>Finding</b>
Total sitting days observed	15 days (16 sessions; 28 <sup>th</sup> January had 2 sub-sessions)
Total cases recorded across all sessions	572
Average cases listed per day (cause list)	220 items (approx.)
Average cases actually heard per day	37.9 (15.9% of cause list)
Overall adjournment rate	63.3% (362 of 572 cases)
Final orders / matters disposed of	5.9% (34 of 572 cases)
Overall substantive hearings	30.6% (175 of 572 cases)
Highest adjournment rate (single day)	88.6% – 19 January 2026
Lowest cases heard vs listed (single day)	4.8% – 13 January 2026
Average start delay (all days)	27.3 minutes after scheduled 10:30 AM
Maximum start delay recorded	94 minutes – 21 January 2026
Days starting on time or early	1 of 15 (28 January 2026)
Days with mid-session break	9 of 15
Average mid-session break (excl. 16 Jan outlier)	23.6 minutes
16 January 2026 break duration	158 minutes (effectively half-day lost)
Average effective sitting time per morning session	98.9 minutes
Shortest effective sitting recorded	29 minutes – 27 January 2026

**NATIONAL COMPANY LAW TRIBUNAL AT KOLKATA**

19/1/2026, Monday

**In Session**

Court No	Item	Case	Cause Title
1 ( Bench I )	5	C.P. (IB)/91(KB)2023	ASSETS CARE & RECONSTRUCTION ENTERPRISELIMITED VS ANKIT METAL & POWER LIMITED
2 ( Bench II )	205	C.P. (IB)/1536(KB)2019	Phoenix ARC Private Limited VS Arambagh Hatcheries Limited

The live court display screen photographed by the author during field study at NCLT Kolkata shows both Bench I and Bench II in the same session on January 19, 2026

### 5.3 Day-by-day Proceeding Data Table – Court-II

Date	Actual Start Time	Delay (mins)	Mid-session Break Duration	Eff. Sitting (mins)	Listed #	Heard #	Heard %	Adj. #	Adj. %	Substantive Orders #	Substantive Hearing
05/01/2026	10:45 AM	+15	—	172	215	49	22.8%	25	51%	1	23
06/01/2026	10:40 AM	+10	23 mins	150	248	38	15.3%	10	26.3%	0	27
07/01/2026	10:45 AM	+15	15 mins	152	224	13	5.8%	5	38.5%	0	8
08/01/2026	10:50 AM	+20	25 mins	131	237	56	23.6%	35	62.5%	2	19
09/01/2026	11:00 AM	+30	30 mins	87	234	41	17.5%	27	65.9%	2	12
12/01/2026	10:40 AM	+10	23 mins	150	230	47	20.4%	33	70.2%	0	14
13/01/2026*	10:38 AM	+8	—	37	104	5	4.8%	2	40%	0	3
14/01/2026	10:52 AM	+22	37 mins	122	215	33	15.3%	21	63.6%	2	10
16/01/2026**	10:50 AM	+20	158 mins	87	240	45	18.8%	28	62.2%	2	15
19/01/2026	11:21 AM	+51	22 mins	115	220	35	15.9%	31	88.6%	1	3
20/01/2026	10:51 AM	+21	14 mins	146	223	29	13.0%	22	75.9%	2	5
21/01/2026***	12:04 PM	+94	—	82	229	29	12.7%	18	62.1%	1	10
22/01/2026	11:04 AM	+34	—	57	239	75	31.4%	47	62.7%	19	9
27/01/2026	11:52 AM	+82	—	29	232	47	20.3%	39	83%	2	6
28/01/2026****	10:30 AM	On time	—	39	~220	27	—	18	66.7%	0	9
<b>TOTAL / AVG</b>	—	<b>27.3 avg</b>	—	<b>98.9 avg</b>	<b>~220 avg</b>	<b>37.9 avg</b>	<b>15.9%</b>	<b>362 / 63.3%</b>	<b>63.3%</b>	<b>34 total</b>	<b>173 total</b>

- \*13<sup>th</sup> January – Special bench (partial sitting).

- \*\*16<sup>th</sup> January – Extended 158-minute break (lunch + administrative); data anomaly excluded from average break calculation.
- \*\*\*21<sup>st</sup> January – 94-minute late start; shortest effective session recorded.
- \*\*\*\*28<sup>th</sup> January – Two sub-sessions; The author was admitted to the courtroom at 10:54 AM.

## 5.4 Adjournment Reason Analysis – Court-II

Of the 572 cases recorded across 15 sitting days, 362 (63.3%) were adjourned. The table below categorises adjournment reasons as recorded during field observations and in case descriptions. Where no specific reason was explicitly recorded by the bench or counsel in the hearing, the adjournment is classified as “General / no specific reason stated.” This itself constitutes a significant finding about the recording practices of the bench.

Adjournment Reason	Count	% of All Adjournments
General adjournment / no specific reason stated	236	65.2%
Counsel sought time / short date granted	25	6.9%
Filing/hardcopy defect	42	11.6%
Passed over / matter not reached	44	12.2%
Other procedural grounds	15	4.1%

## 5.5 Key Findings from Time-Motion Study – Court-II

### 5.5.1 Start Time Compliance

The Kolkata Bench commenced proceedings on time (at 10:30 AM) on only one of the 15 observed sitting days. The average delay across all days was 27.3 minutes, ranging from 0 to 94 minutes. On January 21, 2026, the bench commenced proceedings at 12:04 PM—a delay of 94 minutes—reducing the effective morning session to 82 minutes, the second shortest in the study period. On January 27, 2026, proceedings began at 11:52 AM (a delay of 82 minutes) and ended at 12:21 PM, reducing the effective sitting to only 29 minutes, the shortest in the entire

observation period. Overall, at least 410 minutes (6.8 hours) of scheduled judicial time were lost across the 15 observed days due to delayed starts alone, excluding time lost to breaks or early closures.

### ***5.5.2 Cause List Coverage***

The Kolkata Bench's average cause list comprised approximately 220 listed cases per sitting day. On average, the bench heard 37.9 cases, representing 15.9% of the total listed cases. On January 7, 2026, only 13 (5.8%) of the 224 listed cases were heard. On January 13, 2026, just five (4.8%) of the 104 listed cases were heard. Most listed cases (on average, 84.1%) were neither heard nor disposed of on the day they were listed. This meant that parties, their lawyers, and often their clients appeared for cases that were not heard. This pattern is not incidental but reflects a structural feature of the bench's listing and hearing model.

### ***5.5.3 Adjournment Rate***

Of the cases actually called before the bench, 63.3% were adjourned without a specific hearing. On January 19, 2026, the adjournment rate reached 88.6%, meaning that nearly 9 out of every 10 cases called did not reach any outcome. On January 27, 2026, this rate was 83.0%. The lowest adjournment rate during the observation period was 26.3% (January 6, 2026). 11.6% were adjourned due to filing and hard copy defects—cases that were listed, called, and adjourned because the bench did not have the necessary documents. This is a category of delay that is entirely prevented with a pre-filing validation system.

### ***5.5.4 Effective Judicial Time***

The average effective court time per morning session was 98.9 minutes (approximately 1 hour 39 minutes). Compared to the scheduled duration of 150 minutes (10:30 AM to 1:00 PM), this reflects a utilisation rate of approximately 66%. This calculation excludes data from the afternoon session, which was not observed consistently. On January 16, 2026, a 158-minute break between sessions reduced the effective sitting time to 87 minutes, with the session lasting until 2:55 PM. The average break between sessions, excluding this outlier, was 23.6 minutes.

## **5.6 Aggregate Summary (NCLT Kolkata Bench – Court-I)**

<b>Metric</b>	<b>Finding</b>
Total sitting days observed	15 sessions
Total cases recorded	325
Average cause list items per day	231 (approx.)
Average cases actually heard per day	21.7 (9.3% of cause list)
Overall adjournment rate	46.2% (150/325)
Final orders / matters disposed of	13.5% (44/325)
Overall substantive hearings rate	40.3% (131/325)
Matters not reached / passed over	0 (0.0% of cases called)
Average start delay (all days)	35.9 minutes after scheduled 10:30 AM
Maximum start delay recorded	82 minutes — 22 January 2026
Days commencing on time	0 of 15
Highest adjournment rate (single day)	72.7% – 7 January 2026
Lowest heard/listed % (single day)	1.3% – 22 January 2026

### 5.7 Day-by-day Proceeding Data Table – Court-I

Date	Actual Start	Delay (mins)	Listed #	Heard #	Heard %	Adj. #	Adj. %	Substantive Orders #	Substantive Hearing
06/01/2026	11:10 AM	+40	268	35	13.1%	21	60%	2	12
07/01/2026	10:52 AM	+22	216	11	5.1%	8	72.7%	0	3
08/01/2026	10:50 AM	+20	227	17	7.5%	11	64.7%	1	5
09/01/2026	10:55 AM	+25	245	38	15.5%	12	31.6%	4	22
12/01/2026	10:50 AM	+20	220	13	5.9%	4	30.8%	2	7
13/01/2026	10:53 AM	+23	224	20	8.9%	11	55%	3	6
14/01/2026	10:55 AM	+25	233	25	10.7%	13	52%	1	11
19/01/2026	11:35 AM	+65	247	11	4.5%	5	45.5%	1	5
20/01/2026	11:05 AM	+35	221	21	9.5%	9	42.9%	5	7
21/01/2026	11:02 AM	+32	220	18	8.2%	11	61.1%	0	7
22/01/2026	11:52 AM	+82	224	3	1.3%	2	66.7%	0	1
27/01/2026	10:52 AM	+22	227	38	16.7%	12	31.6%	4	22
28/01/2026	10:55 AM	+25	225	33	14.7%	8	24.2%	11	14
29/01/2026	10:58 AM	+28	229	18	7.9%	11	61.1%	0	7
30/01/2026	11:45 AM	+75	246	24	9.8%	12	50%	10	2
<b>TOTAL / AVG</b>	—	<b>35.9 avg</b>	<b>~232 avg</b>	<b>325 / 21.7 avg</b>	<b>9.3% avg</b>	<b>150 / 46.2%</b>	<b>46.2%</b>	<b>44 total</b>	<b>131 total</b>

## 5.8 Adjournment Reason Analysis – Court-I

Of the 325 cases recorded across 15 sessions, 150 (46.2%) were adjourned. The higher proportion of “General adjournment / No specific reason stated” on Bench I (86.7%) compared to Bench II (63.3%) may reflect differences in the detail of field recordings.

Adjournment Reason	Count	% of All Adjournments
General adjournment / no specific reason stated	130	86.7%
Filing / hardcopy defect	13	8.7%
Counsel sought time / short date granted	7	4.6%
Bench rose / lack of time / matter not reached	0	0%

## 5.9 Key Findings from Time-Motion Study – Court-I

### 5.9.1 Start Time Compliance

The average start delay was 35.9 minutes, which is longer than Court - II’s average.

### 5.9.2 Cause List Coverage

The average cause list for Court - I had approximately 232 items per sitting day. An average of 21.7 cases were heard, comprising 9.3% of the total cases listed. This is lower than the 15.9% average for Court - II.

### 5.9.3 Adjournment Rate

Of the 325 cases taken up before Court - I, 150 (46.2%) were adjourned. This is lower than the 63.3% rate for Court - II. Notably, 8.7% of the cases were adjourned due to filing and hard copy defects.

### 5.9.4 Substantive Orders

Of the 325 cases, 44 resulted in substantive orders, which is higher than the 34 orders recorded in Court-II.

### ***Link to Disposed Case Dataset***

The findings from the time-motion study are directly consistent with those obtained from the disposed dataset of 187 cases. The 63.3% (Court II) intra-session adjournment rate observed in live proceedings is equivalent to the 0.67 adjournment ratio calculated from the settled case dataset (measured as adjournments as a proportion of total listings). The “filing / hardcopy defect” category, which accounts for 11.6% and 8.75% of observed adjournments, emerges as the most commonly identified cause of adjournment across case types in the created dataset.

Taken together, the two datasets demonstrate that adjournments at the NCLT Kolkata Bench are not episodic or specific to any one case type or time. Rather, they reflect a structural feature of the bench's operating practices, consistently seen across both the longitudinal settled case records and real-time courtroom observation.

## Chapter 6: Empirical Finding - II: Analysis of Disposed Cases (NCLT Kolkata)

This chapter presents the findings of a quantitative analysis of cases disposed of at the NCLT Kolkata Bench. Rather than relying on any one particular pendency statistic, the study focuses on how time is distributed between listings, effective hearings, and adjournments in cases that reached final disposal. The dataset covers 187 high-value matters disposed of by the NCLT Kolkata Bench, with disposal data ranging from January 2023 to January 2026.<sup>31</sup>

For the purpose of this study, high-value matters are defined as cases involving admitted financial claims of ₹1 crore or above, consistent with the threshold used by IBBI in its classification of insolvency proceedings. Cases filed before January 2023 but disposed of within the study period were included where complete disposal data was available, ensuring that the dataset captures the full resolution timeline of each matter regardless of filing date.

The aim is to identify whether delays are systemic, bench-driven, party-driven or procedural and compliance-driven. For each disposed of case, the following indicators were calculated:

Sl. No.	Indicators
1	Total Number of Listings
2	Effective Hearings
3	Adjournments & Reasons for Adjournments
4	Adjournment Ratio
5	Hearing Productivity Ratio
6	Real Judicial Productivity Rate
7	Procedural Friction Index
8	Listing Gap Index
9	Total Time Taken (Days)

*(Source: Indicators developed by the author for the purposes of this study)*

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<sup>31</sup> Disposed off means a final judgement was passed as per the NCLT portal

These indicators were selected based on three criteria. *First*, **measurability**—each indicator can be calculated directly from cause list data, order sheets, and case records available on the NCLT portal, without requiring access to internal registry data. *Second*, **relevance** to the study’s main question—each indicator captures a distinct dimension of how court time is used or wasted. *Third*, **comparability**—these indicators are consistent with metrics used in existing empirical studies of tribunal functioning, allowing for cross-study comparisons. Indicators such as judge-specific adjudication rates, party-wise compliance records, and lawyer attendance frequency were considered but not included due to the absence of publicly accessible individual-level data within the scope of this study.

## 6.1 Analysis of Disposed Cases (NCLT Kolkata Bench)

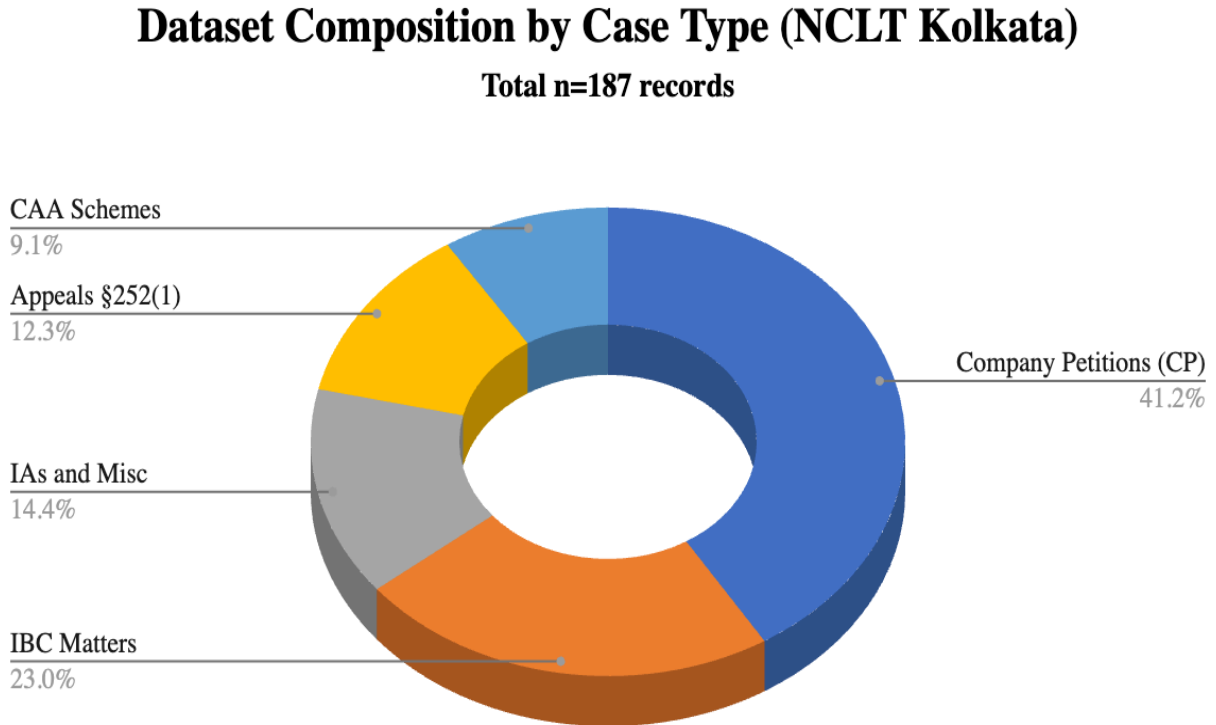
### 6.1.1 Composition of Cases (January 2023 – January 2026)

This section examines the composition of 187 high-value cases disposed of by the NCLT Kolkata Bench between January 2023 and January 2026. Cases were classified according to their procedural type, as recorded in Annexure B. Understanding the composition of the dataset is critical, as different case types involve distinct procedural timelines, adjudication patterns, and complexity levels, and any analysis of delays must take this variation into account.

Case Type (NCLT Kolkata)	Number of Cases (Records)	% of Total Disposed Cases
Company Petitions (CP)	77	41.2%
IBC Matters	43	23.0%
IAs and Misc	27	14.4%
Appeals §252(1)	23	12.3%
CAA Schemes	17	9.1%

<b>Total Disposed of Cases</b>	<b>187</b>	<b>100%</b>
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Figure 1: Dataset Composition by Case Type (NCLT Kolkata Bench, January 2023 - January 2026)



Company petitions constitute the largest share of the dataset at 41.2% (77 cases), followed by IBC cases at 23.0% (43 cases). Interlocutory Applications (IA) and miscellaneous applications account for 14.4% (27 cases), while appeals under Section 252(1) constitute 12.3% (23 cases), and CAA schemes constitute 9.1% (17 cases). The predominance of company petitions over IBC cases in the resolved dataset is notable, indicating that non-insolvency company law cases form a substantial portion of the caseload at the NCLT Kolkata Bench.

#### ***6.1.2 Key Performance Metrics by Case Type (NCLT Kolkata Bench)***

This section presents specific performance metrics for the 160 disposed cases, broken down by case type, for which complete data was available. IA and miscellaneous applications (27 cases) were excluded from this comparative analysis due to their procedural distinctiveness. Data for

each metric was collected from three main sources: NCLT case details published on the NCLT portal, order sheets accessed through the NCLT Case Status portal, and a dataset of disposed cases maintained for this study. For each case, the number of listings, effective hearings, adjournments, and filing-to-disposal time were manually recorded and cross-verified. The adjournment ratio was calculated as the share of listings that resulted in adjournment without substantive progress. The listing gap index represents the average number of days between consecutive listings for each case

<b>Metric</b>	<b>IBC</b>	<b>CP</b>	<b>CAA</b>	<b>Appeals</b>
n (records) <sup>32</sup>	43	77	17	23
Mean Duration	680 days	592 days	336 days	106 days
Median Duration	543 days	268 days	245 days	105 days
Mean Adj Ratio	0.67	0.62	0.48	0.59
Mean Listing/Case	16.7	9.9	7.4	3.6
Cases>330 days	73.80%	43.40%	23.50%	4.30%
Cases>730 days	33.30%	21.10%	11.80%	0.00%
Longest Case	2675 days	4346 days	1971 days	379 days

(n = 160 disposed cases; The table excludes IAs & Miscellaneous applications; January 2023 to January 2026)

The data reveals clear differences in delays by case type. IBC cases are the most time-intensive across all parameters: the average duration is 680 days compared to the legal limit of 330 days, the adjournment ratio is 0.67, and 73.8% of cases exceed the prescribed limit. Company petitions

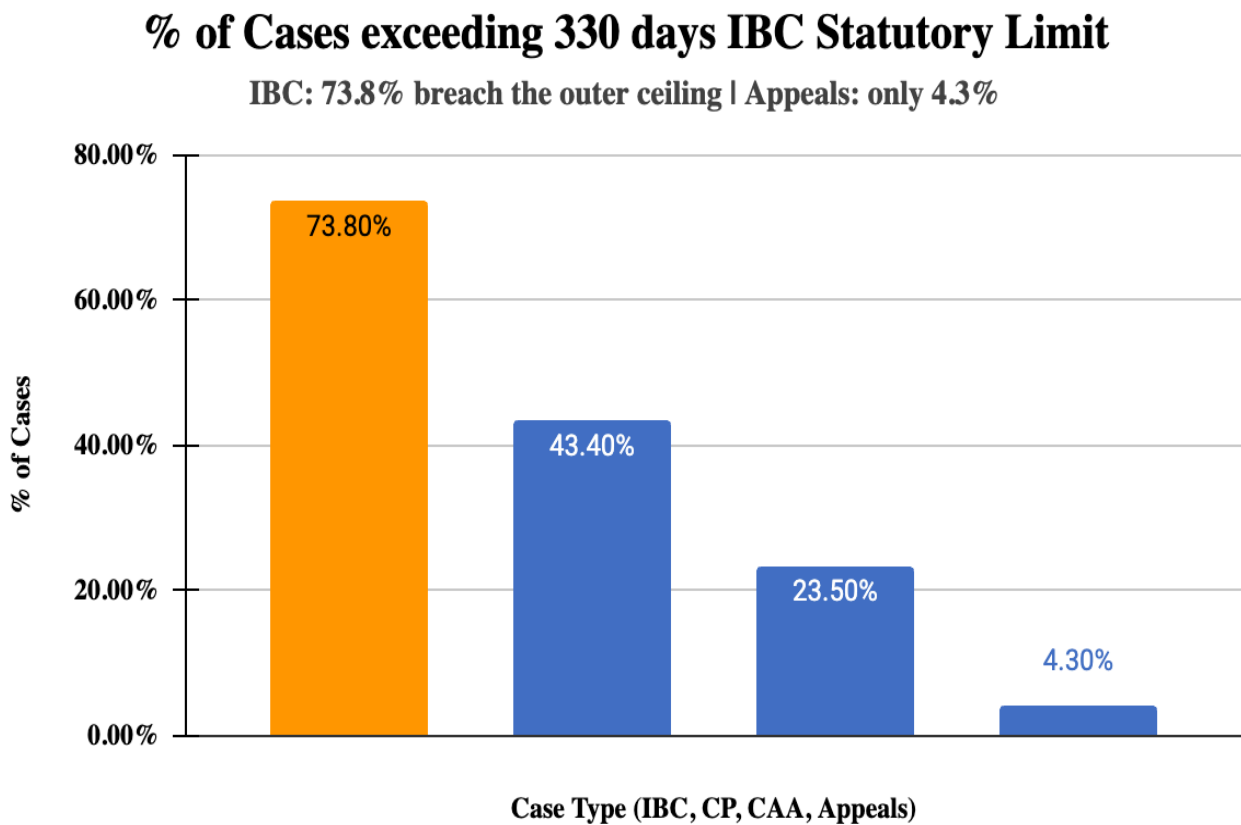
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<sup>32</sup> n (records) represents the total number of disposed of cases by the NCLT Kolkata Bench (January 2023 – January 2026)

perform significantly better with an average time of 592 days and 43.4% exceeding 330 days, while Section 252(1) appeals under the Companies Act, 2013 are resolved in an average of 106 days.

The difference between IBC cases and appeals is particularly striking. IBC cases take an average of 6.4 times longer than appeals, despite being subject to stricter statutory timelines. This suggests that the pressure of legal timelines alone is insufficient to ensure timely resolutions in the absence of adequate institutional capacity. The adjournment ratio of 0.67 for the IBC cases—meaning that no significant progression occurs in two out of every three hearings—is the most important finding of this dataset.

Figure 2: Percentage of Cases Exceeding the IBC Statutory Limit of 330 days by Case Type



**(Note: The 330-day limit is applied as a comparative benchmark for other case types)**

IBC cases exhibited the highest timeline violation rate at 73.8%, meaning that nearly three out of every four IBC cases disposed of at the NCLT Kolkata Bench during the study period exceeded

the maximum time limit set under Section 12 of the Insolvency and Bankruptcy Code, 2016. The corresponding rates were 43.4% for company petitions and 23.5% for CAA schemes. Appeals showed the strongest compliance at only 4.3%, reflecting their distinct procedural character and urgency.

The most striking feature of this data is the disparity between IBC cases and appeals. While both fall within the prescribed time limit, IBC cases breached the 330-day limit at a rate seventeen times higher than appeals. This divergence cannot be explained solely by case difficulty. Instead, it points to specific structural factors underlying the insolvency resolution process, including the high adjournment ratio of 0.67 and the average inter-listing gap of 45 days observed in the settled case dataset. Overall, the data demonstrates that statutory timelines, in the absence of institutional capacity to enforce these timelines, function more as normative expectations rather than enforceable operational limits.

### ***6.1.3 Ineffective Hearing Days per Case (NCLT Kolkata)***

For this study, “ineffective hearing days (wasted days)” refers to any listing date on which a case was called before the Bench, but no judicial order was passed. This includes hearings adjourned at the request of counsel, hearings adjourned due to deficiencies, and cases passed over without hearing. However, this definition excludes cases that appeared in the cause list but could not be heard before the court day concluded. As shown in the time-motion study in Chapter 5, only 15.9% of the cases included in the cause list are actually heard. As a result, the metric of “ineffective hearing days (wasted days)” represents a conservative measure of inefficiency; the actual institutional cost of cases that were listed for hearing but remained unheard is likely significantly higher than the figures presented in this section.

It is calculated as:

$$\text{Mean Adjournment Ratio} \times \text{Mean Listings per Case} = \text{Wasted Days}$$

This metric captures the specific number of court appearances per case that consume institutional time and party resources without contributing to case resolution.

Having determined the adjournment ratio and average listing for each case type in the previous subsection, this section combines both metrics into a single composite indicator: estimated hearing dates wasted per case. This figure reflects the number of times a case was listed before Bench I or Bench II, called before a judicial member, and adjourned without a substantive order—a direct measure of the unproductive burden on the bench, parties, and their counsel for each category of proceedings. The results in the table below show a steep gradient across case types, closely tracking both duration and listing intensity.

<b>Case Type</b>	<b>Mean Adj<sup>33</sup> Ratio</b>	<b>Mean Listing/case</b>	<b>Wasted Days<sup>34</sup></b>
IBC	0.67	16.7	11.19
CP	0.62	9.9	6.14
CAA	0.48	7.4	3.55
Appeals	0.59	3.6	2.12

The data reveal that IBC matters are the most adversely affected, with an average of 11.19 wasted hearing dates per case—more than the figure for Appeals (2.12) and that of CAA Scheme matters (3.55). Given that each wasted hearing date adds approximately 45 days of inter-listing lag to the case timeline, the 11.19 figure for IBC matters translates to an estimated 543 additional days of delay attributable solely to unproductive listings against a statutory ceiling of 330 days for the entire CIRP. Even Company Petition matters, with 6.14 wasted dates, carry a structural delay burden of approximately 268 days from adjournments alone. In contrast, the Appeals category—with 2.12 wasted dates—demonstrates that when listing volume is low and the matter count manageable, the same bench operating within the same institutional constraints is capable of significantly more efficient time utilisation. This finding reinforces the case for dedicated IBC-only cause lists as a structural reform.

<sup>33</sup> Mean Adj Ratio represents Average Adjournment Ratio

<sup>34</sup> Wasted Days calculated as: Mean Adjournment Ratio × Mean Listings per Case. For IBC:  $0.67 \times 16.7 = 11.19$ . For CP:  $0.62 \times 9.9 = 6.14$ . For CAA:  $0.48 \times 7.4 = 3.55$ . For Appeals:  $0.59 \times 3.6 = 2.12$

## Chapter 7: Empirical Finding - III: NCLT Kolkata Bench

This chapter presents the results of an empirical study conducted to document the experiences of legal practitioners appearing before the NCLT Kolkata Bench. A structured survey was administered via Google Forms between January 19, 2026 and January 23, 2026, consisting of 17 questions, including scales, multiple-select options, and open-ended responses.

A total of 37 respondents participated. All respondents were litigation-side practitioners appearing before the NCLT Kolkata Bench in a professional capacity. The survey deliberately excluded judicial officers and registry staff, as the focus of this study is on the user experience of the tribunal rather than its administrators. Since respondents may practice in different areas, the total figures by role are higher than 37; lawyers who practice in both IBC and company law matters are counted in both categories.

### 7.1 Findings of NCLT Kolkata Bench

#### *1. Primary Role*

Respondents were asked about their primary role in relation to NCLT Kolkata. Most respondents were lawyers, with 27 practicing in IBC matters and 22 in company law. The remaining respondents included two chartered accountants or consultants, two corporate representatives, two company secretaries, one insolvency professional (IP), one court officer, and one corporate employee of Nikko Corp. This composition gives the survey a sharp practitioner-centric perspective, reflecting the daily experiences of those who interact most with the tribunal and who are most directly affected by its institutional constraints.

#### *2. Years of Experience*

Respondents were asked about their years of experience appearing before the NCLT Kolkata Bench to assess the distribution of professional experience among them.

Experience Band	Count
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Less than 1 year	11
1-3 years	11
3-5 years	5
5-10 years	6
More than 10 years	4

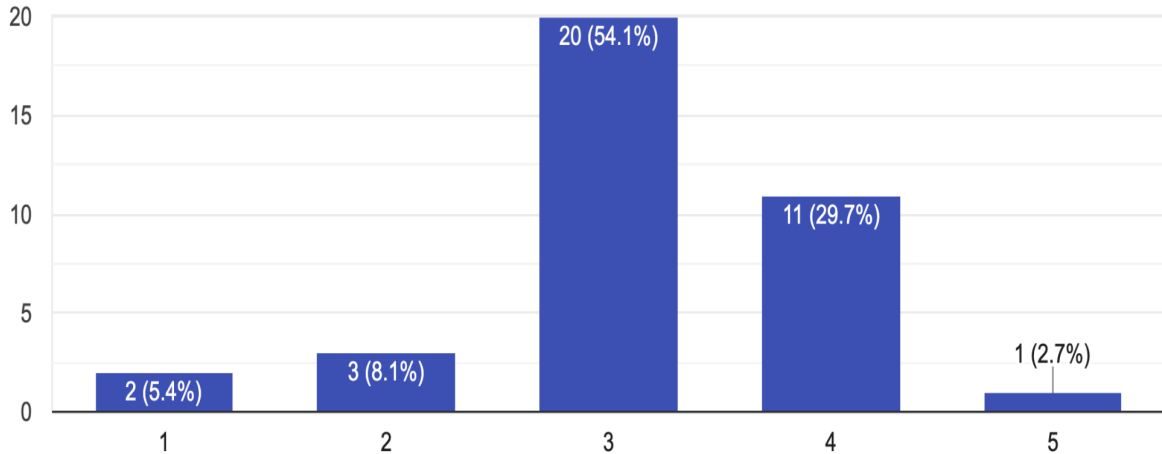
A notable 59% of respondents have less than three years of NCLT experience. This may reflect the relatively recent establishment of the tribunal (2016). Only four respondents reported more than ten years of experience, and these respondents tend to offer the most critical qualitative insights.

The predominance of junior practitioners is an important contextual factor, as their perceptions are shaped by the tribunal in its current operational form, without comparison to pre-NCLT structures.

***3. Overall Timeline Rating***

### Q3. How would you rate the overall timelines of proceedings at NCLT Kolkata?

37 responses



*(Scale: 1 = Very Delayed → 5 = Mostly Timely)*

The modal response on a five-point scale was 3, with 54.1% of respondents choosing this midpoint rating. Furthermore, 29.7% rated the timeline a 4, indicating a perception of delay, while 5.4% and 8.1% rated it 1 and 2, respectively, indicating significant dissatisfaction. Only 2.7% of respondents described the overall timeline as mostly timely. Overall, over 83% of respondents rated the tribunal's timeline a 3 or lower, reflecting practitioners' general perception of delays at the NCLT Kolkata. This is particularly significant given the IBC's fundamental premise of time-bound resolution, with a statutory inner limit of 180 days<sup>35</sup> and a 330-day outer limit<sup>36</sup> under Section 12. The divergence between statutory design and practitioner experience is therefore pronounced.

#### ***4. Stage Facing Maximum Delay***

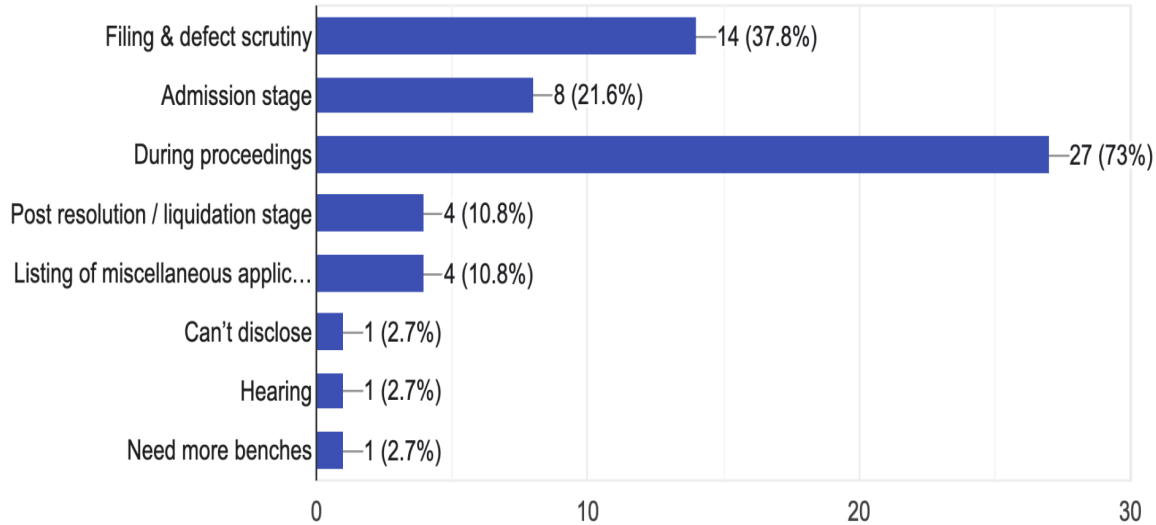
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<sup>35</sup> The IBC Inner Limit (180 days) refers to the default timeline prescribed under Section 12(1) of the Insolvency and Bankruptcy Code, 2016, within which the CIRP must ordinarily be completed.

<sup>36</sup> The IBC Outer Limit (330 days) refers to the maximum permissible timeline under Section 12(3), including any extensions granted by the Adjudicating Authority, beyond which CIRP must mandatorily conclude.

#### Q4. In your experience, which stage faces the maximum delay?

37 responses



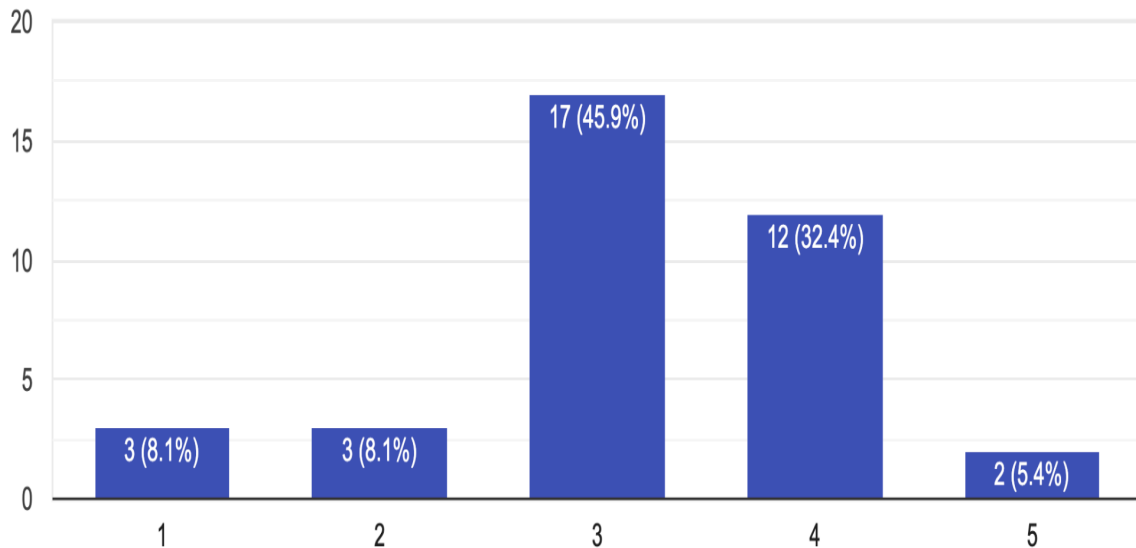
The most frequently cited stage of delay was “during proceedings,” cited by 73% of respondents—nearly three times the proportion who cited filing and defect scrutiny (37.8%) or the admission stage (21.6%) as the biggest cause of delays. Filing and defect scrutiny came in second, reflecting registry-level difficulties at the entry stage. 10.8% of respondents cited the post-resolution and liquidation stage as the most critical, as delays at this stage directly impact actual economic recovery.

These responses indicate that delays are not determined by a single factor, but are constitute a multistage, systemic issue.

## 5. Predictability of Hearing Dates

Q5. How predictable are hearing dates and listings at NCLT Kolkata?

37 responses



*(Scale: 1 = Highly Unpredictable → 5 = Highly Predictable)*

45.9% of respondents (17 out of 37) rated predictability at an average of 3, while 32.4% (12 respondents) rated it at 4. Only two respondents (5.4%) found hearing dates to be highly predictable, while six (16.2%) rated predictability at 1 or 2, indicating significant disappointment. The concentration of responses in the middle of the scale indicates that practitioners perceive hearing date scheduling to be inconsistent but not significantly problematic. For legal practitioners who manage appearances in multiple tribunals and courts, even slight unpredictability creates scheduling challenges, which respondents reported is particularly detrimental for junior lawyers.

## 6. *Adjournment Frequency*

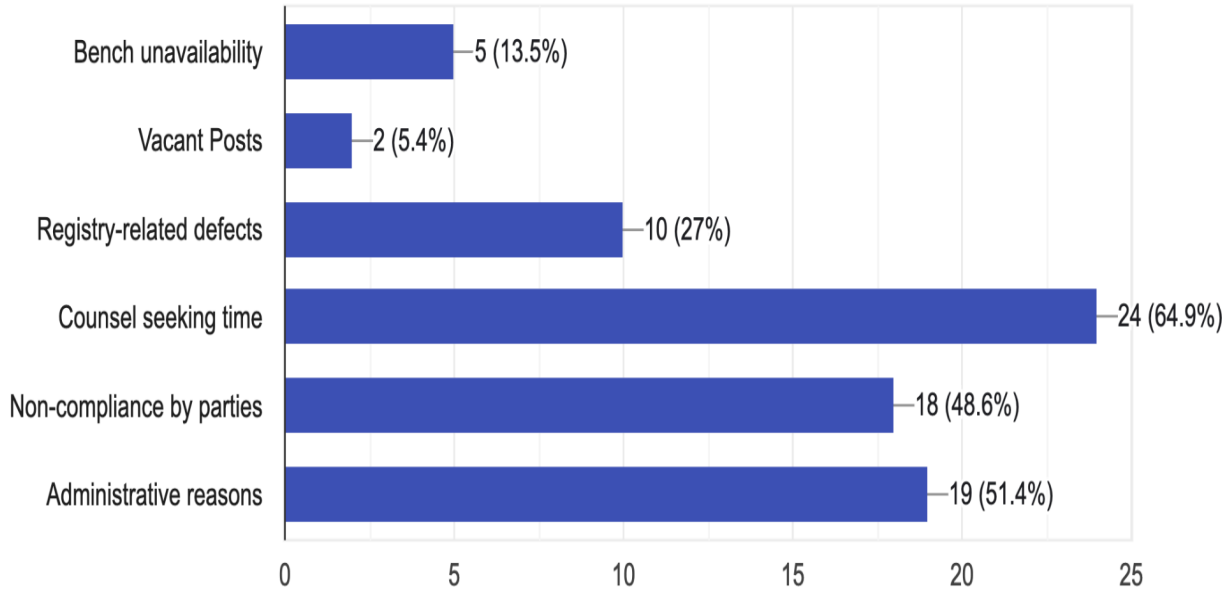
<b>Frequency</b>	<b>Count</b>
Occasionally	15
Frequently	13
Very frequently	6
Rarely	3

A combined 51% of the respondents were of the view that matters are adjourned “frequently” or “very frequently” without substantive hearing. Only three respondents considered adjournments to be rare. The adjournment frequency is arguably the tribunal’s most visible operational challenge, leading to a tremendous waste of judicial time, counsel time, and delays in insolvency resolution, which have direct economic consequences for creditors and employees of corporate debtors.

7. Reasons for Adjournments

Q7. In your view, what are the most common reasons for adjournments?

37 responses

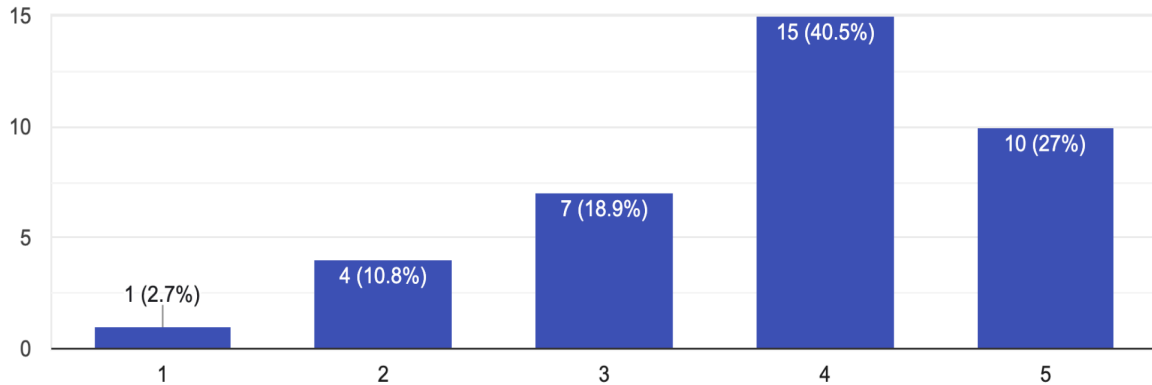


Among the reasons for adjournment where respondents were allowed to select multiple categories, “Counsel seeking time” tops the list, an interesting self-indicting finding from practitioners themselves. However, survey responses and interviews suggest that such requests are partially a result of systemic conditions, including defect notices, incomplete records, and absence of counter parties. “Administrative reasons” and “non-compliance by parties” together reflect structural and behavioural failures that are not attributable to any single actor. Registry defects leading to adjournments confirm the interconnectedness of Q5 (predictability of hearing dates) with the present question.

## 8. Quality of Reasoning in Orders

Q8. Orders passed by the bench generally provide clear reasoning.

37 responses



(Scale: 1 = Strongly Disagree → 5 = Strongly Agree)

Rating	Count
1	1
2	4
3	7
4	15
5	10
<b>Mean</b>	<b>3.78</b>
<b>Median</b>	<b>19th value (within rating 4)</b>

This is the strongest performing metric in the survey. A mean of 3.78 (and median falling in the 4-rating group) with 25 out of 37 respondents rating it 4 or 5 suggests that the Bench's intellectual rigour and quality of reasoning are widely respected among practitioners. This is a

crucial finding that separates NCLT Kolkata’s procedural delays from the quality of judicial reasoning. It implies that the Bench is seen as competent, but the system around it is failing.

### ***9. Appellate Interference***

Respondents were asked how often the NCLAT either dismissed the orders passed by the NCLT Kolkata Bench or issued a remand order in the appeals filed before the NCLAT against orders passed by the NCLT Kolkata Bench. This question attempts to assess the quality of NCLT Kolkata’s judicial output from the perspective of practitioners who track outcomes at the appellate stage.

<b>Response</b>	<b>Count</b>
Very frequently	1
Frequently	6
Occasionally	21
Rarely	4
Not sure	5

Of the 37 respondents, 21 (56.8%) reported that appeals are occasionally intervened, while 6 (16.2%) said it was frequent, and 1 (2.7%) believed it to be very frequent. 4 (10.8%) said it was rare, and 5 (13.5%) were unsure, suggesting that practitioners do not all actively track the appeal outcomes of the cases they are involved in, or they may not be involved at the appellate hearing stage.

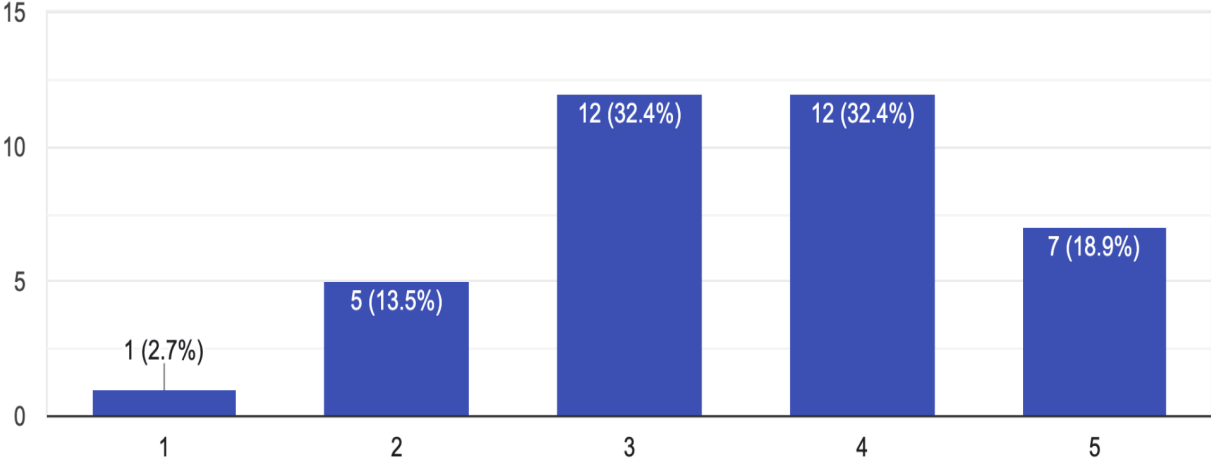
Most respondents reported that appellate interference occurs “occasionally,” suggesting that, in the limited context of the practitioners’ responses, NCLT Kolkata’s orders are not regularly overturned at the appeal stage. This finding is important because it distinguishes between two aspects of institutional performance: substantive judicial quality and procedural performance. While this study’s time-motion and disposed-of case data reveal major procedural weaknesses in

the form of delays, adjournments, and wasted time, the survey data on appellate interference captures only the frequency of such intervention as perceived by practitioners and does not examine the grounds for reversal or assess the substantive correctness of the orders passed. Therefore, the tribunal’s procedural performance and the quality of its judicial output are two distinct issues that require separate interventions.

**10. Impact of Capacity Constraints**

Q10. To what extent do capacity constraints (such as member strength, registry staff or infrastructure) affect tribunal functioning?

37 responses



*(Scale: 1 = Not at all → 5 = To a great extent)*

Rating	Count
1	1
2	5
3	12
4	12
5	7

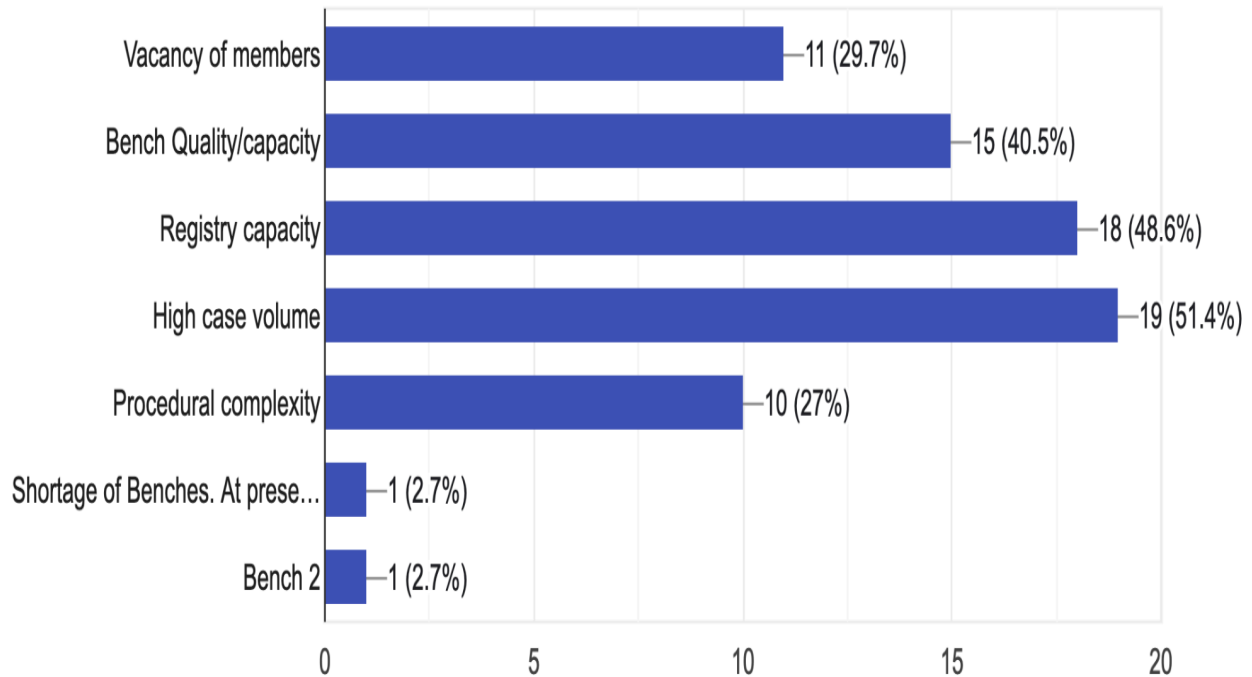
<b>Mean</b>	<b>3.51</b>
<b>Median</b>	<b>19th value (within rating 4)</b>

A mean of 3.51, with the median also falling in the 4-rating group, and 19 respondents offering a rating of 4 or 5, confirms that capacity constraints are a major structural problem. Only six respondents felt constraints had a minimal effect. With only two functional benches at NCLT Kolkata (*as explicitly noted in our study by a 5-10-year veteran*), the bench is demonstrably under-resourced relative to demand.

***11. Institutional Factors Affecting Efficiency***

### Q11. In your view, which of the following institutional factors most affect efficiency?

37 responses

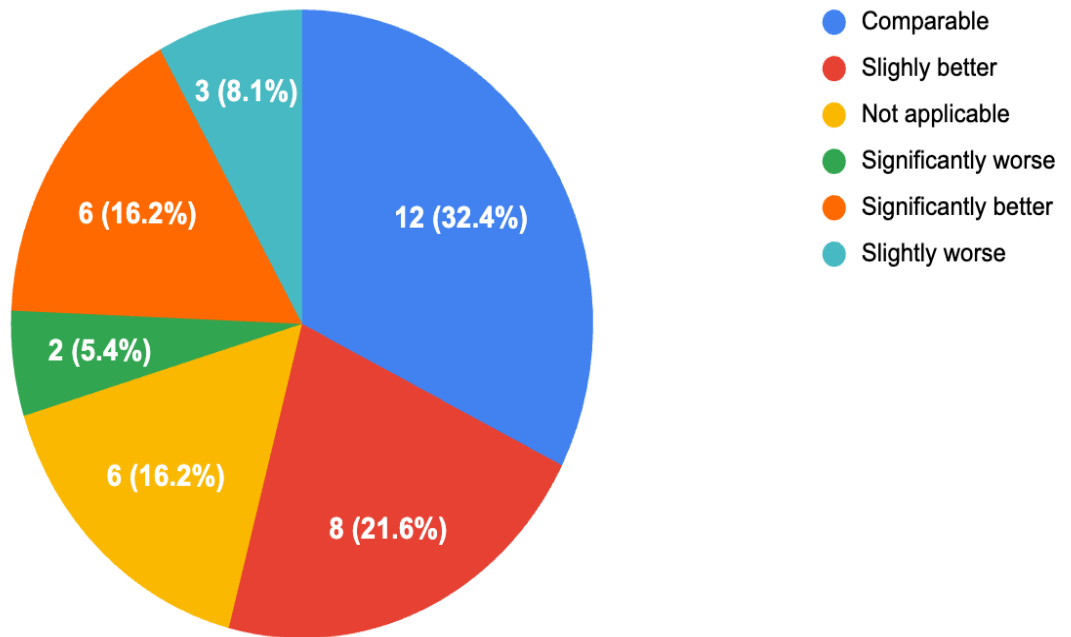


The most frequently cited factors affecting efficiency were “high case volume” (19) and “registry capacity” (18), suggesting that it is an institutional and systemic problem rather than an individual-level one. The close pairing of these two suggests practitioners see a mismatch in demand and supply: too many cases, too few resources to process them. “Vacancy of members” received 11 votes, signalling direct administrative failure by the appointing authority, not a tribunal-level problem. “Procedural complexity,” cited 10 times, points to the need for the simplification of filing and hearing protocols.

**12. Comparison with Other NCLT Benches**

**Q12. Compared to other NCLT benches you have appeared before, NCLT Kolkata's functioning is**

37 responses



Perception	Count
Comparable	12
Slightly better	8
Significantly better	6
<b>Not applicable</b>	<b>6</b>
Slightly worse	3
Significantly worse	2

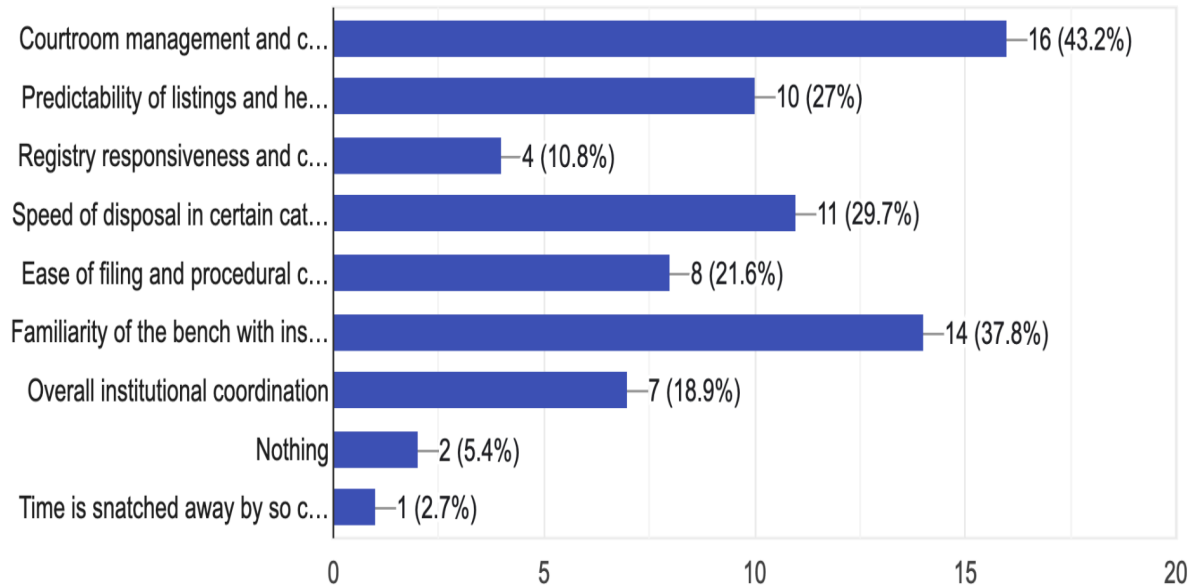
Among those with comparative experience, 14 out of 31 (NA excluded) (45%) respondents rated NCLT Kolkata as better than other benches, a positive finding. Only five rated it worse. This

suggests NCLT Kolkata performs reasonably well within the NCLT ecosystem, and many problems may be system-wide rather than Kolkata-specific. However, this finding should be interpreted with caution, as respondents had exposure to different NCLT benches; accordingly, it does not constitute a definitive comparison of NCLT Kolkata with all other benches.

### 13. Aspects of the NCLT Kolkata Bench Working Well

Q13. What do you feel is better at NCLT Kolkata?

37 responses



<b>Aspect</b>	<b>Mentions</b>
<b>Courtroom management and conduct of hearings</b>	<b>16</b>
Familiarity of the bench with insolvency matters	14
Speed of disposal in certain categories of matter	11
Predictability of listings and hearing dates	10
Ease of filing and procedural compliance	8
Overall institutional coordination	7
Registry responsiveness and communication	4
Other (Nothing)	2

The above responses indicate that courtroom management and bench familiarity with IBC are seen as genuine strengths of the NCLT Kolkata Bench. This reinforces Q8’s finding (Orders passed by the bench generally provide clear reasoning) that the Bench itself is respected. The high number of mentions of insolvency-matter familiarity (14) reflects the post-2016 specialisation of NCLT in insolvency matters, which is evidently appreciated on the ground.

Notably, two respondents said “Nothing” is better, reflecting a small but strongly dissatisfied segment.

#### ***14. Infrastructure Adequacy***

<b>Rating</b>	<b>Count</b>
Very good	4
Good	7
Adequate	14
Inadequate	6

Very inadequate	6
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Opinions on the state of infrastructure at NCLT Kolkata were divided. While 25 respondents said it was “adequate/very good,” 12 respondents (i.e., nearly a third of the total) found it “inadequate/very inadequate.” The May 2025 relocation of NCLT Kolkata to its new premises, far from the High Court complex, emerged as a recurring grievance. In interviews conducted with respondents, multiple respondents explicitly demanded relocation to the High Court premises, citing commuting difficulty and logistical and practical inconvenience.

### ***15. Infrastructure Aspects Most Affecting Functioning***

Respondents were asked to identify which aspects of infrastructure most affect the functioning of the tribunal. The responses reflect areas of concern as the question was positioned within a broader set of questions about institutional challenges at NCLT Kolkata.

<b>Aspect</b>	<b>Mentions</b>
<b>E-filing and digital systems</b>	<b>24</b>
Virtual hearing facilities	21
Registry counters and filing facilities	14
Courtroom space and seating capacity	8
Basic amenities (waiting areas, signage)	5

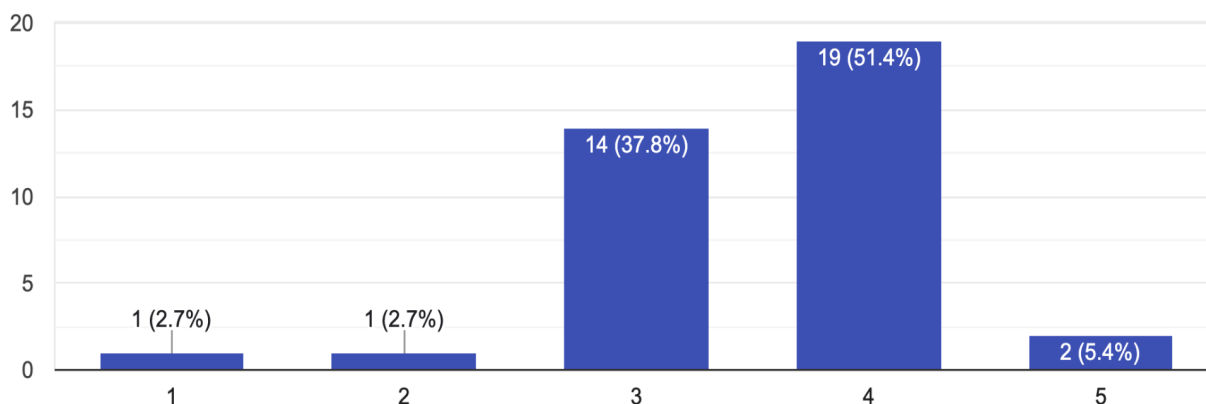
Digital infrastructure emerges as the topmost concern, with 24 respondents flagging e-filing and digital systems. Virtual hearing facilities (21 mentions) rank second, indicating that post-COVID expectations have not been met. These are not luxury demands, but essential productivity infrastructure. Specific complaints include poor video conferencing quality, technical glitches, and the absence of a seamless paperless hearing system.

### ***16. Overall Assessment of Institutional Functioning***

Rating	Count
1	1
2	1
3	14
4	19
5	2
<b>Mean</b>	<b>3.54</b>
<b>Median</b>	<b>19th value (within rating 4)</b>

Q16. Overall, how would you assess the institutional functioning of NCLT Kolkata?

37 responses



*(Scale: 1 = Poor → 5 = Very good)*

The overall institutional score of 3.54 (with 35 of the 37 respondents voting in the range of 3 to 5) is the highest mean of all quantitative metrics, suggesting that despite specific grievances, practitioners maintain a broadly moderate to positive view of the institution as a whole. 51% of the respondents rated overall functioning a 4 out of 5. This is an encouraging response and suggests the tribunal has built basic credibility. The contrast between this score and the overall timeline score (3.16) reveals a key paradox: the tribunal is institutionally respected, but operationally constrained.

## 7.2. Key Metrics

Metric	Mean Score (out of 5)	Interpretation
Overall Timeline (Q3)	3.16	Below average (significant concern)
Predictability of Hearings (Q5)	3.19	Below average (inconsistent listings)
Quality of Orders/Reasoning (Q8)	<b>3.78</b>	Best performer (bench is respected)
Capacity Constraint Severity (Q10)	3.51	Moderate-high (structural under-resourcing)
Overall Institutional Score (Q16)	<b>3.54</b>	Moderate (overall positive credibility)

## 7.3. Key Findings

- The NCLT Kolkata Bench demonstrates strong judicial competence (mean score 3.78/5 for order quality) but struggles with procedural efficiency (timeline rating 3.16/5)
- Adjournments without substantive hearings occur frequently or very frequently in 51% of cases
- “During proceedings” is identified as the primary stage of delay (73% of respondents)
- Digital infrastructure gaps (e-filing, virtual hearings) are the most critical infrastructural constraint
- Despite operational challenges, 51% of respondents rated overall institutional functioning as 4/5, indicating that the institutional credibility remains high

Overall, the analysis indicates that NCLT Kolkata is an institution with genuine judicial quality operating within a structurally deficient framework that requires systemic reform rather than bench-level intervention.

## Chapter 8: Challenges & Structural Constraints

### Findings (Key Observations from the Field)

The fieldwork conducted at the NCLT Kolkata Bench reveals that institutional inefficiencies are not solely attributable to case backlog or judicial capacity, but are deeply embedded in infrastructural, procedural, and organisational practices. These constraints operate simultaneously and shape both adjudicatory outcomes and the everyday experience of tribunal users.

**1. Spatial and Infrastructural Constraints:** The physical location of the NCLT Kolkata Bench (Corporate Bhawan) poses accessibility challenges. Situated 26 km from its earlier location (Kolkata High Court premises/Central Kolkata), including areas such as New Town, the tribunal is now located on the city's periphery, increasing commute time for lawyers and litigants. *A litigant noted the need to depart from home as early as 6 AM.* Additionally, the new premises lack essential support facilities such as printing services and food or refreshment options, both within the tribunal complex and in its immediate vicinity. This poses practical challenges, particularly during long court hours. While the new office provides certain internal facilities, including a designated waiting area for lawyers and others, the surrounding area remains largely underdeveloped in terms of basic services. Additionally, the tribunal has the option of a cafeteria on the seventh floor, but it has remained non-functional since its inception.

**2. Capacity Constraints and Compressed Hearings:** A recurring concern among practitioners is the limited time available for substantive hearings. Interviews indicated a pattern of brief engagement and adjournments in certain matters, and stakeholders recommended that the number of benches should be increased at the NCLT Kolkata (two more benches). They also indicated that the constitution of a dedicated or specialised bench exclusively for insolvency matters could help address caseload pressure and improve hearing efficiency, giving them more time to address their case.

**3. Administrative and Registry-Level Inefficiencies:** Procedural bottlenecks at the registry level further contribute to delays. Some lawyers reported challenges in document filing and

scrutiny at the registry level that require reform. They pointed to the need for clearer communication during scrutiny and procedural issues to prevent repeated visits and delays, especially for Insolvency Professionals (IPs). In parallel, the absence of on-site printing facilities imposes additional burdens. Lawyers are required to physically carry their own documentation—often comprising large volumes of documents in multiple bags—adding to the logistical burden during court appearances.

**4. Technological Limitations and Courtroom Functioning:** Courtroom infrastructure, particularly audio systems and virtual appearance facilities, was identified as a significant constraint, as was the creation of an environment that enabled junior lawyers to participate and appear without hesitation. Poor sound quality was identified as an issue on both benches, affecting effective communication during proceedings. The overall functioning of the court reflected broader institutional pressures relating to caseload, infrastructure and technology-related limitations, and time management issues.

*“In one matter involving issues of urgency, an effective hearing could not take place due to a technical glitch. The audio system was not functioning properly, which affected communication between the bench and the appearing counsel. In fact, the difficulty created miscommunication between the learned counsel and the judge. The matter for which the counsel was appearing was of 2014, and due to just sheer miscommunication, the judge put on record that the counsel was not listening to the bench. As a result, the matter was adjourned to 5th March 2026.”*

**Note:** The observation suggests that procedural efficiency is influenced not only by judicial time allocation but also by infrastructural location and administrative logistics. These factors collectively shape experiences and access to timely adjudication.

**5. Institutional Prioritisation of IBC Matters:** It was observed that matters arising under the Insolvency and Bankruptcy Code (IBC) were generally not treated as private disputes between individual parties. A few lawyers indicated that all the IBC matters were put in the first order, and Company matters in the last. This prioritisation is rooted in the perception of such matters (instructed to the bench) as having broader economic implications, particularly in relation to

banking stability, NPAs, and the interests of large public sector banks and corporate entities. As a result, IBC proceedings were repeatedly described as falling within the public domain, warranting prioritised consideration due to their systemic impact on the economy.

**Note:** As per the conversation with the stakeholders, the insolvency proceedings are institutionally framed not merely as inter-party disputes but as *in rem* matters that carry wider public and economic significance, which may influence judicial prioritisation and courtroom management.

**6. Lack of Specialisation and Role Clarity:** Some stakeholders emphasised the need for subject matter specialisation across benches. In particular, it was proposed that separate benches be constituted to exclusively hear matters under the IBC and company law matters, respectively. They emphasised that such a division would require judicial and technical members with sufficient domain expertise to clearly distinguish between insolvency proceedings and broader company law issues rather than conflating the two.

**7. Variability in Bench-Level Practices:** An informal interview with one of the staff members at NCLT Kolkata, it was revealed that each bench operated with its own distinct set of internal practices, including variations in break timings, staff scheduling, and certain day-to-day administrative arrangements.

**Note:** One staff member, who requested anonymity, revealed that the lack of uniformity across benches created operational challenges for staff, who are required to adapt to differing working styles and expectations.

**8. Listing Practices and Case Management:** Some lawyers also emphasised the need for refinement in listing and case management practices. Suggestions included limiting the number of matters listed per day to ensure meaningful hearings, calling out all listed matters to avoid professional uncertainty, and allowing certain fixed or minor matters to be taken up during the second half rather than being adjourned mechanically.

Taken together, these insights and comments/recommendations contextualise the quantitative findings by illustrating how procedural design, capacity constraints and institutional practices shape everyday experiences before the NCLT. Improvement in these areas could collectively improve the NCLT's functioning as a whole.

## Chapter 9: Reform Recommendations (NCLT Kolkata)

The following recommendations are derived from the evidence gathered in this study and are not based on any external opinion. Each recommendation corresponds to a particular quantified finding from the time-motion study, a primary dataset of 187 cases disposed of by the NCLT Kolkata Bench, and the field-survey executed at the NCLT Kolkata—constituting the institution's first bench-specific empirical investigation. While the data shows that 73.8% of IBC cases at this Bench exceed the 330-day statutory timeline, that the adjournment ratio in any case category never falls below 0.48, and that bench transitions repeatedly delay the longest pending cases, the recommendations below are a necessary response to the evidence, rather than a reiteration of abstractions from reform literature.

Each recommendation is further supported by national-level research reports, parliamentary reports and judicial precedent to demonstrate that the problems identified while studying the NCLT Kolkata Bench are not isolated but reflect structural features of the NCLT system as a whole, which can be addressed through targeted reform. These recommendations are deliberately designed to work within the existing legal and institutional framework and can be addressed by the NCLT, the Ministry of Corporate Affairs (MCA) or the Insolvency and Bankruptcy Board of India (IBBI) as part of their existing work.

### **R1: Designation of a Dedicated IBC Cause List with an Exclusive IBC Courtroom at NCLT Kolkata**

The most significant finding of this study is the systematic failure of the NCLT Kolkata Bench to adjudicate insolvency proceedings within the statutory timeline. Of the 42 urgent IBC cases in the primary dataset, 73.8% exceeded the 330-day time limit under Section 12 of the IBC, 2016, a limit that the Supreme Court has emphasised as mandatory rather than directory. The average disposal time for IBC cases at this bench is 680 days, representing a 106% deviation from the prescribed timeline, while the median of 543 days confirms that this is not an anomaly. A typical IBC case at NCLT Kolkata takes approximately one and a half years longer than the statutory timeframe.

These figures are not specific to this bench. The Economic Survey (2025-26) reports that the national CIRP average is 713 days, and DAKSH's *State of Tribunals* Report (2025) reports a figure of 752 days. Data from Kolkata shows that the national crisis of non-compliance with IBC timelines is replicated with complete veracity at the bench level, and that the reasons are institutional. The most proximate cause identified in the IBC sub-dataset is a structural lack of listing insulation. Currently, IBC cases at NCLT Kolkata are listed on a common cause list alongside Companies Act petitions, restoration appeals, scheme matters and interlocutory applications. The average listing time per IBC case in this dataset is 16.7 days, with an adjournment ratio of 0.67, indicating that each case goes through approximately 11 hearings without a substantive order. The resource cost of this pattern in terms of judicial time, professional fees, and lost creditor recoveries during a lengthy CIRP is high and, importantly, avoidable.

It is therefore recommended that NCLT Kolkata designate one of its two functional courtrooms exclusively for IBC matters, with a cause list limited to cases under Sections 7, 9 and 10 of the Code, Section 95 personal insolvency proceedings and Section 59 voluntary liquidation petitions. Management of this cause list should be administratively separate from the general Companies Act roster, with a dedicated Registry Officer responsible for scheduling, compliance tracking, and admission stage scrutiny of IBC filings. This structural separation will serve two purposes:

- Prevent the IBC timeline from being disrupted by other cases
- Facilitate the development of bench-specific expertise in insolvency proceedings through consistent, focused exposure.

This recommendation proposes a reallocation of existing capacity that can be implemented immediately within the administrative authority of the NCLT President without the need for any kind of amendments, budgetary allocations or executive approval. In institutional reform terms, this is low-hanging fruit that could yield big returns.

## **R2: Bench Expansion and Filling of Vacancies at NCLT Kolkata**

Nearly one-third of the responses received explicitly asked for increased bench strength and the filling of vacancies. The current two-bench setup is widely perceived as insufficient to meet the tribunal's caseload demands. Multiple respondents called for the creation of two additional dedicated benches—one exclusively for IBC matters and one for Company Law matters—to ensure that each category of case receives focused and uninterrupted judicial attention.

The NCLT's lack of sufficient bench strength has also drawn the attention of the MCA. In the Select Committee on the Insolvency and Bankruptcy Code (Amendment) Bill, 2025, it noted that a proposal for 50 more NCLT courts and two more NCLAT courts is pending before the cabinet.<sup>37</sup> The findings of this study, that only two courtrooms function at the NCLT Kolkata Bench operating across four regions (one U.T), leading to an average IBC duration of 680 days against the statutory ceiling of 330 days, reflect the operational consequences of the very capacity gap that the Ministry itself has acknowledged.<sup>38</sup>

It is therefore recommended that the Cabinet expeditiously approve the proposal to expand the pending bench strength, and that the vacancies at the NCLT Kolkata Bench be filled without delay. It is also important that members are not transferred before the conclusion of listed cases. This would eliminate bench-transition delays, which have been cited as a frequent and avoidable cause of delays in this empirical study.

## **R3: Improving Physical Accessibility and Basic Infrastructure at NCLT Kolkata**

The relocation of the NCLT Kolkata Bench has created significant accessibility challenges. The distance from the High Court has caused major grievances, as noted in at least eight responses, as well as during field observation. Advocates practicing at the NCLT Kolkata find it difficult to navigate between multiple tribunals/courts, and the distance creates real professional costs for everybody, especially for junior lawyers and litigants arriving at NCLT Kolkata.

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<sup>37</sup> Report of the Select Committee on the Insolvency and Bankruptcy Code (Amendment) Bill, 2025 (18<sup>th</sup> Lok Sabha, 17<sup>th</sup> December 2025), 50, <https://ibbi.gov.in/uploads/resources/2ce0f4a4a146d49fb96f4939aa4fbe25.pdf>

<sup>38</sup> Report of the Select Committee on the Insolvency and Bankruptcy Code (Amendment) Bill, 2025 (18<sup>th</sup> Lok Sabha, 17<sup>th</sup> December 2025), (a)2, 50, <https://ibbi.gov.in/uploads/resources/2ce0f4a4a146d49fb96f4939aa4fbe25.pdf>

It is therefore recommended that at the immediate administrative level, the NCLT Kolkata administration establish a dedicated shuttle service between the Calcutta High Court and the tribunal's current location, operating on fixed and published time slots at and accessible to practitioners, litigants and staff at a nominal cost. As such a service does not require legislative authority or separate budgetary approval from the central government and falls entirely within the administrative authority of the tribunal's own Registrar, it may be implemented through a simple tender process.

At the campus infrastructure level, the study found that two basic facilities essential for the functioning of such a tribunal were absent:

- (i) Document printing and photocopying facilities
- (ii) A functioning cafeteria

The lack of printing services on campus forces practitioners and litigants to leave hearings to complete documentation. The lack of a functioning cafeteria (7th floor) puts physical and financial strain on lawyers, litigants and staff (*it was observed during the field study that they had to use Blinkit services for printouts and basic refreshments*), who often attend hearings until late in the afternoon or must stay till the proceedings are over.

It is recommended that the NCLT Kolkata administration immediately issue tenders for both the facilities, printing services and a functional cafeteria, with operational timelines specified in the tender conditions. These are basic institutional responsibilities that the tribunal has failed to fulfil since its relocation, and whose absence reflects administrative negligence that is misaligned with the tribunal's mandate of access to justice.





The NCLT Kolkata Bench premises as photographed by the author during the field study, January 2026. The floor directory reflects the multiple functions housed within the new building, while exterior and surrounding grounds illustrate the current physical infrastructure.

#### **R4: Modernisation of Digital Infrastructure: E-Filing Systems and Virtual Hearing Capabilities at NCLT Kolkata**

The need for a seamless e-filing system and improved virtual hearings capabilities (including VC quality and stability) at NCLT Kolkata was consistently highlighted in stakeholder responses and was also evident during fieldwork at the tribunal.

An examination of the reasons for adjournment across the survey responses and disposed case dataset reveals that filing issues—such as incorrectly filed documents, incomplete submission and non-compliance issues—are among the most common reasons for adjournment across all case types. These issues are not isolated or incidental; rather, they reflect a systemic pattern. Such deficiencies cannot be attributed solely to practitioner error. Instead, they arise from an e-filing system that places too much power in the hands of registry counters, provides inadequate real-time guidance at the time of submission, and lacks an automated validation mechanism to flag non-compliance before, rather than after, a case is listed. A filing deficiency discovered at the hearing stage, as the dataset repeatedly demonstrates, results in adjournment, extending case duration and wasting judicial time. This is reflected in the adjournment ratio of 0.67 for IBC cases and no less than 0.48 for other case types. Moreover, survey responses based on practitioner experience further corroborate these findings. Respondents frequently cited “technical glitches” in the virtual hearing infrastructure, including poor video conferencing quality, unstable connectivity during crucial hearings, and a lack of reliable fallback protocols in case of a failure.

The significance of this finding extends beyond mere inconvenience. NCLT Kolkata exercises jurisdiction over West Bengal, Bihar, Jharkhand and Andaman and Nicobar Islands, also serving litigants and practitioners located in Patna, Ranchi, or Kolkata itself who rely on virtual hearings to avoid the cost and logistical burden of travel to Kolkata. When this infrastructure fails, the only options left are repeated adjournments and exclusion, outcomes that are unacceptable in a tribunal operating under strict statutory timelines.

At the e-filing level, it is therefore recommended that the NCLT Kolkata Registry implement an automated pre-filing validation system that checks submissions against a mandatory compliance checklist before assigning a cause list number. This checklist should include document completeness, party identification, section citation, and fee payment verification. Cases that fail validation should be returned to the practitioner with a specific defect notice before listing, rather than being presented to the bench at the hearing stage. This single intervention, requiring limited software development and improvements to registry protocols, has the potential to significantly reduce first-stage adjournments observed in the dataset.

At the level of virtual hearing infrastructure, it is recommended that NCLT Kolkata adopt dedicated judicial videoconferencing hardware with bandwidth guarantees, thereby minimising issues of network fluctuations. The tribunal administration should also develop and notify a published protocol outlining the process for virtual hearing failures, including automatic rescheduling within a fixed timeframe. The Supreme Court’s own e-Committee, formed under the Phase II National Court Management Systems Policy,<sup>39</sup> has developed model standards for virtual court infrastructure. These standards provide an existing institutional framework that NCLT benches can adopt and operationalise.

### **R5: Equitable Allocation of Bench Time and Mandatory Disposal of All Listed Matters**

The cause list at NCLT Kolkata is a public document that implies—particularly from the litigant’s perspective—that every case listed on a given day will receive the bench’s attention on that day. However, observations conducted during sittings in both courtrooms reveal that this is frequently not the case. Cases listed on the cause list, particularly those represented by junior lawyers who lack the professional standing or courtroom influence to secure hearing time when competing against more senior practitioners in the same session, are often postponed or receive insufficient hearing time.

The practitioner survey confirms these observations. Many respondents identified the dominance of senior lawyers over available bench time as a recurring feature of daily proceedings at NCLT Kolkata, leaving junior lawyers with limited opportunity for meaningful arguments. The issue here is not the professional eminence of senior practitioners but the absence of an institutional mechanism to prevent seniority in the profession from being translated into structural advantage in the allocation of judicial time. All cases on the cause list have an equal right to be heard, and

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<sup>39</sup> Siddharth Peter De Souza, Varsha Aithala and Srishti John, ‘The Supreme Court of India’s Vision for e-Courts: The Need to Retain Justice as a Public Service’ (The Hindu Centre for Politics and Public Policy, 10<sup>th</sup> July 2021), <https://ise.thehinducentre.com/the-arena/the-supreme-court-of-indias-vision-for-ecourts-the-need-to-retain-justice-as-a-public-service-html-version/article64931616.ece#:~:text=Under%20Phase%20II%20of%20the,online%20payment%20gateways%20were%20introduced>

the seniority of a lawyer appearing in one case ought not to, as a matter of principle or right of justice, determine whether another matter receives judicial attention.

An institutional precedent for reform exists at the highest level. The Chief Justice of India recently initiated what the legal fraternity hails as one of the most significant procedural reforms at the Supreme Court in recent years.<sup>40</sup> It is an intervention that addresses the culture of privileged access to courtroom proceedings, signalling that influence, professional connections and institutional stature cannot determine the order or quality of access to the bench. The problem identified by the Supreme Court as requiring active reform at the highest level is equally, if not more, evident at the tribunal level.

It is therefore recommended that NCLT Kolkata adopt a formal bench time management protocol with the following features:

1. The Bench will conduct at least one short hearing on each case listed on the daily cause list, even if only to record the stage of the case and ensure that no listed case proceeds without judicial attention.
2. The Bench should prepare and publish time estimates for each category of case at the start of the day's proceedings, with senior counsel cases subject to the same time discipline as all other cases.

The Registrar should maintain a monthly record of cases that are listed but not heard, segregated by cause list status, to enable administrative identification of systemic patterns in non-hearing. This data should be included in the tribunal's quarterly performance report.

The reform proposed here is ultimately one of institutional equity, guaranteeing that access to the NCLT Kolkata Bench is determined by the merits of listed cases rather than the professional hierarchy of the counsel appearing before it.

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<sup>40</sup> Supreme Court of India, 'Circular F. No.21/Judl./2025' (*Supreme Court of India, November 29, 2025*), <https://cdnbbsr.s3waas.gov.in/s3ec0490f1f4972d133619a60c30f3559e/uploads/2025/11/2025112961.pdf>

## Chapter 10: Conclusion

This study set out to answer two questions that remain unexplored at a specific bench level in India's insolvency and tribunal reform literature: How effectively does the NCLT Kolkata function as a commercial tribunal, and what do its day-to-day processes reveal about the structural limitations of tribunal justice in India? The answers offered here are grounded in empirical evidence derived from field observation, case analysis, and practitioner surveys, rather than on theoretical assumptions.

The findings point to a clear gap between the statutory design of the Insolvency and Bankruptcy Code (IBC) and its institutional operation in practice. The primary dataset of 187 disposed cases, manually extracted from various cause list records and PDF order sheets on the NCLT portal, shows an average IBC time of 680 days—more than double the statutory limit of 330 days, representing a 106% difference from the legal limit. Notably, 73.8% of IBC cases in the dataset exceed this limit, while the overall average of 543 days confirms that these delays are not isolated but systemic.

The adjournment ratio for IBC cases is 0.67; no significant order is passed on approximately two out of every three IBC hearing dates, leading to approximately 11 wasted hearing dates per case and approximately 503 additional days of delay due to unproductive listing alone. These findings are not specific to any one case or member but represent the structural characteristics of how a bench functions under specific institutional conditions.

The time-motion data conducted for Courts I and II of NCLT Kolkata corroborate the dataset of cases disposed of with different evidentiary directions. Over 15 sitting days, both courts seldom started on time (with only one exception in Court II), heard an average of 15.9% and 9.3% respectively of listed cases, and adjourned 63.3% of cases. This reveals that the cause list and the courtroom are operating on a structural mismatch that no single reform can resolve.

At the same time, two findings provide important counterweights. *First*, Section 252(1) appeals—23 cases, average time 106 days, maximum 379 days—demonstrate that the same

bench, under the right procedural conditions, is capable of timely disposal. This indicates that delay is not inherent in the institution itself but is structurally contingent on specific case categories operating under specific procedural constraints. Such structural deficiencies can be corrected. *Second*, the practitioner survey recorded an average order quality score of 3.78 out of 5, the strongest metric of all survey dimensions. The bench is institutionally respected, even if the system surrounding it is not functioning as it should.

The five recommendations listed in Chapter 9—namely, a dedicated IBC courtroom, bench expansion, infrastructure improvements, digital modernisation, and equitable cause list management—are not speculative. Each is directly grounded in the quantified findings generated through this study’s three interlocking datasets. Each also falls within the existing administrative or legislative authority of the NCLT, MCA, or IBBI, and does not require new legislation.

As the first bench-specific empirical study of the NCLT Kolkata Bench, this study demonstrates that the conditions for meaningful institutional reforms are present. Further delay in implementing these reforms imposes a measurable and continuing cost on the insolvency framework, whose statutory timelines are consistently breached.

## Annexures

### **Annexure A:**

Empirical Finding - I dataset for Time-Motion Study of NCLT Kolkata Bench.

#### **Link - I: (Bench - II)**

[https://docs.google.com/spreadsheets/d/1sTtiX-smBdh\\_e0w-BqsPx97WdAiup-u8GpCyO\\_UeqJs/edit?usp=sharing](https://docs.google.com/spreadsheets/d/1sTtiX-smBdh_e0w-BqsPx97WdAiup-u8GpCyO_UeqJs/edit?usp=sharing)

#### **Link - II: (Bench - I)**

[https://docs.google.com/spreadsheets/d/1Itqq\\_MO\\_495Atb1xVdeMyhNCX0zUZLiS/edit?gid=1016178312#gid=1016178312](https://docs.google.com/spreadsheets/d/1Itqq_MO_495Atb1xVdeMyhNCX0zUZLiS/edit?gid=1016178312#gid=1016178312)

### **Annexure B:**

Empirical Finding - II dataset overview with respect to disposed of cases by NCLT Kolkata Bench.

#### **Link:**

[https://docs.google.com/spreadsheets/d/1pagKlxDsf35RNH8qVL\\_\\_zqFRigdbTLa8/edit?usp=sharing&oid=108687615396270145422&rtpof=true&sd=true](https://docs.google.com/spreadsheets/d/1pagKlxDsf35RNH8qVL__zqFRigdbTLa8/edit?usp=sharing&oid=108687615396270145422&rtpof=true&sd=true)

### **Annexure C:**

Empirical Finding - III dataset with respect to field survey at NCLT Kolkata.

#### **Link:**

[https://docs.google.com/spreadsheets/d/1spzBoKNb5l\\_Ma3LWhrl2X5xIuj\\_7ciaZM6mOBsFGrl0/edit?resourcekey=&gid=2061239284#gid=2061239284](https://docs.google.com/spreadsheets/d/1spzBoKNb5l_Ma3LWhrl2X5xIuj_7ciaZM6mOBsFGrl0/edit?resourcekey=&gid=2061239284#gid=2061239284)