

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

An Empirical Study | DAKSH Capstone Research

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About the Researcher

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Public policy professional and DAKSH NIST Fellow with a background in economics and conflict management.

Education

- **Bachelor's in Economics**
— Banaras Hindu University
- **Master's in Conflict Management and Development** — Banaras Hindu University

Experience

Litigation support at the Industrial Tribunal and independent policy research.



The Capstone: What and Why

FIRST BENCH-SPECIFIC EMPIRICAL STUDY OF NCLT KOLKATA

Why Kolkata?

NCLT Kolkata covers Bihar, Jharkhand, West Bengal, and Andaman & Nicobar Islands — a jurisdiction of enormous scale operating under significant workload and infrastructural constraints, with almost no prior bench-level research.

Two Guiding Questions

- 1 How effectively does NCLT Kolkata 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?

Methodology: Three Interlocking Datasets

1

Time-Motion Study

Direct courtroom observation (Hybrid Mode) across 30 days (January 2026) in both Court I and Court II.

The study recorded:

- Log in & out
- Cases listed vs. called vs. heard per day
- Adjournment reasons
- Break durations
- Effective judicial time.

2

Disposed Case Analysis

187 cases manually extracted from the NCLT portal (January 2023 – January 2026), across IBC, Company Petitions, Company Appeals, and Section 252 Appeals.

Nine indicators developed:

- Adjournment Ratio
- Hearing Productivity Ratio
- Listing Gap Index
- Procedural Friction Index and others.

3

Practitioner Survey

From 16 January to 23 January, 2026, a field survey was conducted of lawyers, insolvency professionals, and other stakeholders at NCLT Kolkata.

The survey focused on assessing:

- Order quality
- Delays
- Infrastructure constraints
- Overall institutional perception and others.

Empirical Findings - I: Time-Motion Study

Consistent patterns observed across 30 days (January 2026) in both Court I and Court II reveal a structural mismatch between the cause list and courtroom reality.

220

Avg cases listed/day
(Court II)

27.3 min

Avg start delay
(Court II)

231

Avg cases listed/day
(Court I)

35.9 min

Avg start delay
(Court I)

Court II — Aggregate Findings

- Final orders passed: 5.9% (34 of 572 cases)
- Overall adjournment rate: 63.3% (362 of 572 cases)
- Peak adjournment (single day): 88.6% — January 19, 2026
- Judicial time lost to late starts: 410 min (6.8 hours) across 30 days
- Adjournment with no reason recorded: 65.2% of all Court II adjournments

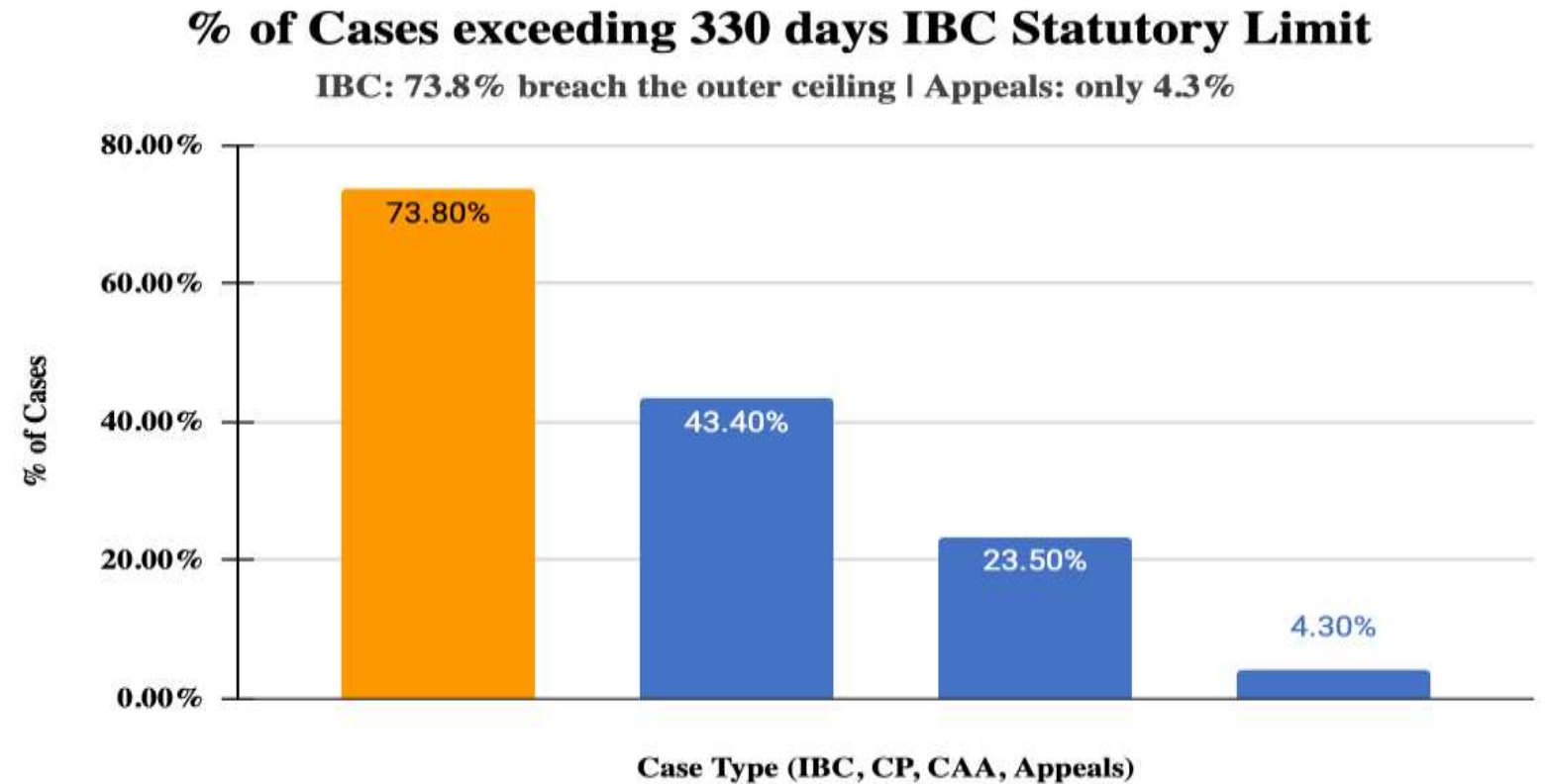
Court I — Aggregate Findings

- Final orders passed: 13.5% (44 of 325 cases)
- Overall adjournment rate: 46.2% (150 of 325)
- Peak adjournment (single day): 72.7% — 7 January 2026
- Filing/hardcopy adjournments: 8.7% of all Court I adjournments
- Adjournment with no reason recorded: 86.7% of all Court I adjournments

Empirical Findings - II: Disposed Case Analysis

Metric	IBC	CP	CAA	Appeals
n (records)	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 Adjournment 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

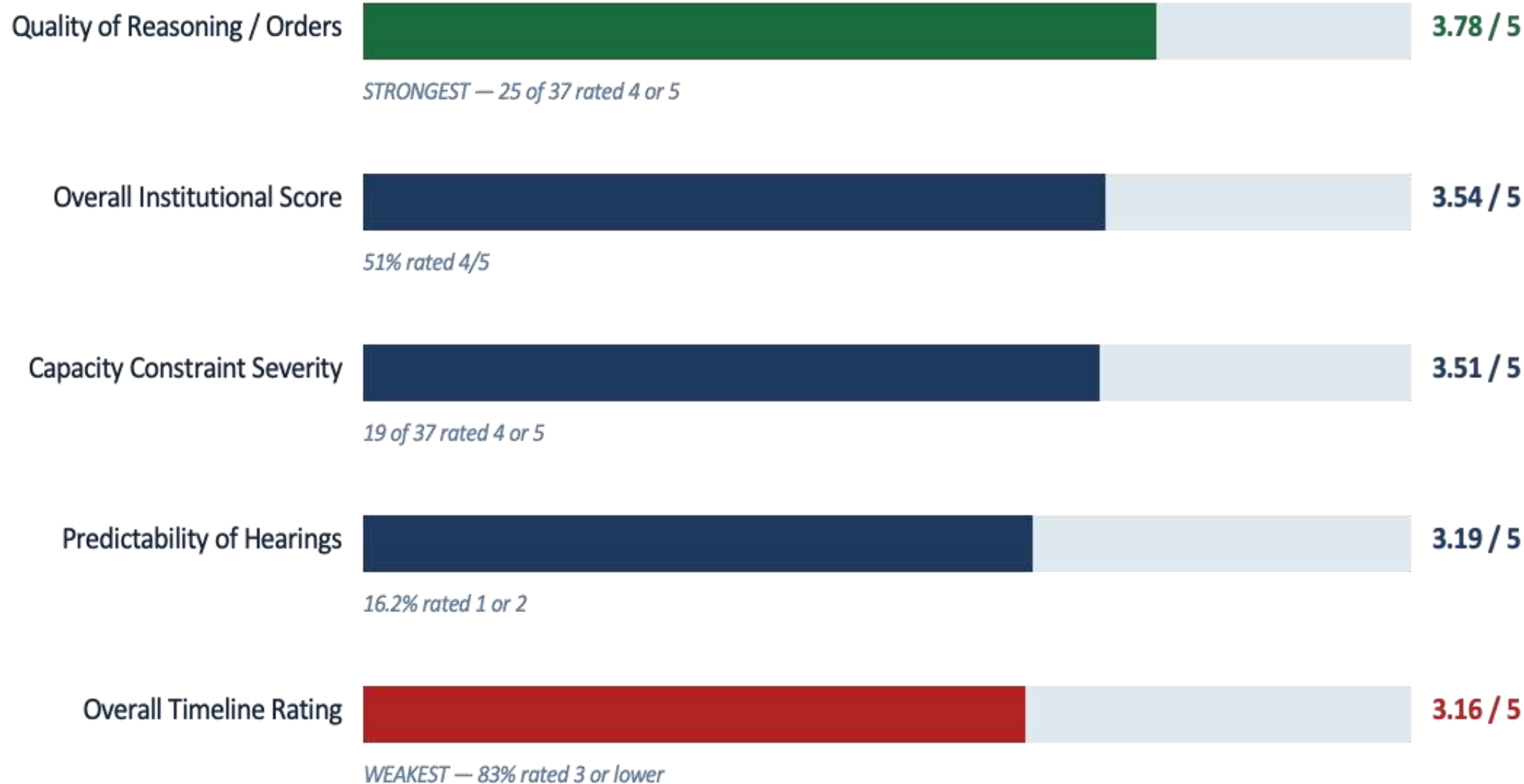
Figure 1: Percentage of Cases Exceeding the IBC Statutory Limit of 330 days by Case Type



Case Type	Mean Adj Ratio	Mean Listing/case	Wasted Days
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

KEY INSIGHT: IBC cases breach the 330-day ceiling at a rate 17× higher than Appeals. The avg inter-listing gap is 45 days; 11.19 wasted hearings × 45 days = ~503 days of avoidable delay against a 330-day total ceiling.

Empirical Findings - III: Practitioner Survey



THE PARADOX

Highest metric: judicial quality (3.78). Lowest metric: timeline performance (3.16). Same institution. The bench is respected. The system around it is failing.

73%

cite 'during proceedings' as stage of maximum delay (3x those citing admission stage)

51%

say adjournments occur 'frequently' or 'very frequently'

45%

of those with comparative experience rate NCLT Kolkata BETTER than other benches

Proposed Reforms: Overview and Impact

FIVE EVIDENCE-BASED RECOMMENDATIONS

Each reform is grounded directly in the study's data, within existing administrative or legislative authority.

1 **Specialised IBC Bench with Dedicated Cause List**
Ends scheduling conflict between IBC and non-IBC matters; insolvency cases receive focused judicial time within statutory timelines.

2 **Bench Expansion & Vacancy Filling**
Reduces per-bench caseload. 272nd Law Commission (2017) recommended filling vacancies within 6 months; Supreme Court repeatedly held that it undermines institutional integrity.

3 **Physical Infrastructure Improvement**
Reduces procedural friction from inadequate seating, signage, and document management; Tender for printing facility and operational cafeteria — with contractual deadlines. 12 of 37 practitioners rate infrastructure inadequate.

4 **Digital Modernisation: E-Filing Validation & Virtual Hearing Infrastructure**
Automated pre-filing validation system; Dedicated judicial videoconferencing hardware. Published failure protocol with automatic rescheduling.

5 **Mandatory Disposal of All Listed Matters & Equitable Bench Time Protocol**
Ensures every listed case receives judicial attention; Time estimates published at session start.

The Why Behind Each Recommendation

R1 — Specialised IBC Bench with Dedicated Cause List

Current State

- ✗ IBC and Companies Act matters share the same cause list daily
- ✗ 73.8% of IBC cases exceed the 330-day statutory ceiling
- ✗ Average 16.7 listings per IBC case; adjournment ratio 0.67
- ✗ IBC urgency crowded out by restoration appeals, CAA schemes, company petitions

Reform Proposed

- ✓ Designate one courtroom exclusively for IBC matters
- ✓ Separate cause list managed by a dedicated Registry Officer
- ✓ Separate scheduling, compliance tracking, admission scrutiny for IBC

WHY IT WORKS:

- It ensures statutory timelines are protected.
- Prevent the IBC timeline from being disrupted by other cases
- Bench develops IBC-specific expertise through consistent, focused exposure — improving both speed and quality.

R2 — Bench Expansion & Vacancy Filling

Current State

- ✗ Only 2 benches for Bihar, Jharkhand, West Bengal, and Andaman & Nicobar Islands
- ✗ 4 of 5 current members joined within 2 months (Jan–Feb 2025) — near-complete reconstitution
- ✗ Bench transitions are a recurring, documented driver of delays in long-pending cases
- ✗ 272nd Law Commission (2017): fill vacancies within 6 months — still not consistently followed

Reform Proposed

- ✓ Fill NCLT Kolkata vacancies immediately; prohibit member transfers before conclusion of listed long-pending cases
- ✓ Eliminate bench-transition delays — a documented and entirely preventable driver of delay

WHY IT WORKS:

- The 680-day IBC average is directly driven by insufficient bench capacity relative to caseload.
- More benches + stable membership = fewer wasted hearings + faster case resolution.
- Accelerates resolution timelines, particularly in long-pending matters.



R3 — Physical Infrastructure Improvement

PROBLEM

- 26 km from Calcutta High Court
- Cafeteria non-functional since inauguration
- No on-site printing facility
- 12 of 37 survey respondents rated infrastructure inadequate or very inadequate

Reform Proposed

✓ Tender for on-campus printing facility and functional cafeteria with contractual operational deadlines

WHY IT WORKS:

- 8+ practitioner responses explicitly cite location as barrier.
- Improves day-to-day working conditions through access to basic facilities.
- Enhances productivity & punctuality in hearings, reducing adjournments caused by logistical gaps.



R4 — E-Filing Validation & Virtual Hearing Infrastructure

PROBLEM

- Filing/hardcopy defects = 11.6% of Court II adjournments and 8.7% of Court I adjournments
- 24 respondents flagged e-filing & 21 flagged VC quality
- Audio failure caused adjournment

Reform Proposed

✓ Automated pre-filing validation: flag defects before listing, not at the hearing stage

✓ Dedicated judicial videoconferencing hardware with bandwidth guarantees + published failure protocol with automatic rescheduling

WHY IT WORKS:

- It has the potential to significantly reduce first-stage adjournments observed at the NCLT Kolkata.
- Minimal Issue of network fluctuation/technical glitches.



R5 — Mandatory Disposal of Listed Matters & Equitable Bench Time

PROBLEM

- The cause list 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.
- The 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.

Reform Proposed

✓ Every listed case: minimum one short hearing per sitting day — no matter be passed over without judicial attention

✓ Time estimates published at session start; monthly non-hearing records by cause list status in quarterly reports

WHY IT WORKS:

- It will enable administrative identification of systemic patterns in non-hearing.
- It will also help in determining the access to the NCLT Kolkata Bench by the merits of listed cases.

Thank You!