NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Comp. App. (AT) (Ins) No. 1458 of 2026
&
I.A. No. 5545, 5636 of 2026

IN THE MATTER OF:

Rajiv Ranjan Sharma & Anr. ...**Appellant(s)**

Versus

Vikas Gopichand Khiyani ...**Respondent(s)**

Present:

For Appellant	**:**	Mr. Nipun Gautam, Mr. Darpan Jain & Ms. Komal Abroi, Advocates.
For Respondents	**:**	None

With
Comp. App. (AT) (Ins) No. 1459 of 2026
&
I.A. No. 5547, 5639 of 2026

IN THE MATTER OF:

Kiran Hariraj Vishwakarma & Anr. ...**Appellant(s)**

Versus

Vikas Gopichand Khiyani ...**Respondent(s)**

Present:

For Appellant	**:**	Mr. Nipun Gautam, Mr. Darpan Jain & Ms. Komal Abroi, Advocates.
For Respondents	**:**	None.

O R D E R
(Hybrid Mode)

[Per: Justice Mohd. Faiz Alam Khan, Member (Judicial)]

IA No. 5636 of 2026 in CA (AT) (Ins) No. 1458 of 2026 and IA No. 5639 of 2026 in CA (AT) (Ins) No. 1459 of 2026.

Delay condonation application bearing IA No. 5636 of 2026 in CA (AT) (Ins) No. 1458 of 2026 and IA No. 5639 of 2026 in CA (AT) (Ins) No. 1459 of 2026 have been moved by the Appellants to condone the delay of 40 days which has occurred in filing the appeals against the impugned order dated 18th November 2025 passed by the National Company Law Tribunal, Mumbai Bench (Adjudicating Authority), in IA No. 3892 of 2025, IA No. 3893 of 2025 moved in CP (IB) No. 285 of 2024, whereby the application moved by the appellant has been dismissed as premature.

2. Keeping in view the identical facts, both delay condonation applications moved in both the appeals are being disposed of by passing this common order.

3. Ld. Counsel for the Appellants submit that the Applicants are individual home buyers who have acted with due diligence but the delay of 40 days had occurred in filing the present appeal. However, the delay is neither intentional nor deliberate, but due to the fact that the impugned order dated 18thNovember 2025 was not communicated to the appellants immediately and the order was uploaded on the portal of the NCLT only on 09th December 2025 and thereafter, immediately upon gaining knowledge of the order, the applicants sought legal assistance for filing the appeal, however, the office of the Counsel was closed from 8th December 2025 to 2nd January 2026, and it is on this account the appeal could not be filed in time.

4. It is further submitted that the limitation time for filing the appeal i.e. 45 days, expired on 23 January 2026. However, the applicants prepared the appeal, but due to a series of public holidays falling in the last week of January 2026, the appeal could not be filed and after securing the services of the notary public to execute the mandatory affidavits, the Appeal was filed immediately.

5. It is further submitted that the delay which has occurred in filing the appeal is not intentional and has occurred due to the reasons which were not under the control of the Appellants, and therefore the same be condoned. Learned counsel for the appellants has relied on the law laid down by the Honourable Supreme Court in

Sanjay Pandurang Kalate vs Vistara ITCL (India) Limited and others, (2024) 3 Supreme Court Cases 27.

6. We have heard Ld. Counsel for the Appellant and have perused the record.

7. The Registry has reported that the impugned judgment was passed on 18th November 2025, and the limitation starts ticking from the next day i.e. 19th November 2025. The period of 30 days expired on 18th December 2025, while the appeal was e-filed on 3rd February 2026 with a delay of 45 days beyond stipulated 30 days.

8. Section 61(1) of the IBC stipulates that notwithstanding anything to the contrary contained in the Companies Act 2013, any person aggrieved by the order of the Adjudicating Authority "under this Part" may prefer an appeal to NCLAT. Sub-Section (2) of Section 61 provides for a period of limitation in the following terms:

> *"61. **Appeals and Appellate Authority—***
>
> *(1) Notwithstanding anything to the contrary contained under the Companies Act, 2013, any person aggrieved by the order of the Adjudicating Authority under this part may prefer an appeal to the National Company Law Appellate Tribunal.*
>
> *(2) Every appeal under sub-section (1) shall be filed within thirty days before the National Company Law Appellate Tribunal: Provided that the National Company Law Appellate Tribunal may allow an appeal to be filed after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing the appeal but such period shall not exceed fifteen days.*
>
> *[…]"*
>
> *Sub-Section (2) of Section 61 provides for a limitation period of thirty days. The proviso to Section 61(2) provides that NLCAT may allow an appeal to be filed beyond a period of thirty days by a maximum of fifteen days on the demonstration of sufficient cause for the delay.*

9. Rule 3 of the NCLAT Rules 2016 stipulates that for computation of a time period as provided, the day from which the said period is to be reckoned shall be excluded. Rule 3 provides as follows:

> *"3. **Computation of time period—***

> *Where a period is prescribed by the Act and these rules or under any other law or is fixed by the Appellate Tribunal for doing any act, in computing the time, the day from which the said period is to be reckoned shall be excluded, and if the last day expires on a day when the office of the Appellate Tribunal is closed, that day and any succeeding day on which the Appellate Tribunal remains closed shall also be excluded."*

10. Section 12(1) of the Limitation Act 1963 provides as follows:

> *"12.* ***Exclusion of time in legal proceedings—***
>
> *(1) In computing the period of limitation for any suit, appeal or application, the day from which such period is to be reckoned, shall be excluded.*
>
> *(2) In computing the period of limitation for an appeal or an application for leave to appeal or for revision or for review of a judgment, the day on which the judgment complained of was pronounced and the time requisite for obtaining a copy of the decree, sentence or order appealed from or sought to be revised or reviewed shall be excluded.*
>
> *(3) ….*
>
> *(4) …."*

11. Perusal of the impugned order would reveal that the same has been passed on 18th November 2025 in the presence of the counsel for the appellant/applicant. Nothing has been placed before us which may reflect that the impugned orders have not been pronounced on 18th November 2025. Therefore, when the impugned order dated 18th November 2025 is pronounced and dictated in the open court on the same day, the limitation will start ticking from that day and not from the day of uploading of the order.

12. The appellant may not get any benefit of the law laid down by the Hon'ble Supreme Court in ***Sanjay Pandurang*** **Kalate v. Vistra ITCL (India) Ltd. and Ors.,(2023) ibclaw.in 154 SC** as issue therein was whether limitation for filing an appeal to the NCLAT ran from 17-05-2023, the date borne on the NCLT order, or from 30-05-2023, the date on which the order was uploaded, when it was undisputed that no order had been pronounced on 17-05-2023 and in these facts it was held that limitation under Section 61 is linked to the date of pronouncement; the NCLT

Rules draw a clear distinction between hearing and pronouncement, and pronouncement cannot be dispensed with. Since the cause list showed the matter for admission and not for pronouncement, and no substantive order was passed on 17-05-2023, limitation did not begin on that date. In the facts of the case, the date of upload was also the date of pronouncement, and the 30-day period therefore commenced on 30-05-2023. The appeal e-filed on 10-07-2023 was beyond thirty days but within the condonable period of fifteen days.

13. However, in the case at hand the impugned orders were pronounced in the court. Thus the Appellants cannot take any benefit from this precedent.

14. In ***V Nagarajan v. SKS Ispat and Power Limited & Ors.*****,** **(2021) ibclaw.in 157 SC,** the Hon'ble Supreme Court has categorically held that when the judgment has been pronounced in open court, the period of limitation starts running from that very day. The only concession an applicant may get is by excluding the period consumed by the Ld., Adjudicating Authority for preparation of the certified copy, if the application for the certified copy has been presented within the stipulated 30 days. The relevant part of the aforesaid judgment is reproduced as under;

> ***"19****……The import of Section 12 of the Limitation Act and its explanation is to assign the responsibility of applying for a certified copy of the order on a party. A person wishing to file an appeal is expected to file an application for a certified copy before the expiry of the limitation period, upon which the "time requisite" for obtaining a copy is to be excluded. However, the time taken by the court to prepare the decree or order before an application for a copy is made cannot be excluded. If no application for a certified copy has been made, no exclusion can ensue. In fact, the explanation to the provision is a clear indicator of the legal position that the time which is taken by the court to prepare the decree or order cannot be excluded before the application to obtain a copy is made. It cannot be said that the right to receive a free copy under Section 420(3) of the Companies Act obviated the obligation on the appellant to seek a certified copy through an application. The appellant has urged that Rule 14 of the NCLAT Rules empowers the NCLAT to exempt parties from compliance with the requirement of any of the rules in the interests of substantial justice, which has been typically exercised in favour of allowing a downloaded copy in lieu of a certified copy. While it*

may well be true that waivers on filing an appeal with a certified copy are often granted for the purposes of judicial determination, they do not confer an automatic right on an applicant to dispense with compliance and render Rule 22(2) of the NCLAT Rules nugatory. The act of filing an application for a certified copy is not just a technical requirement for computation of limitation but also an indication of the diligence of the aggrieved party in pursuing the litigation in a timely fashion. In a similar factual scenario, the NCLAT had dismissed an appeal as time-barred under Section 61(2) of the IBC since the appellant therein was present in court, and yet chose to file for a certified copy after five months of the pronouncement of the order."

***21.** The answer to the two issues set out in Section C of the judgement- (i) when will the clock for calculating the limitation period run for proceedings under the IBC; and (ii) is the annexation of a certified copy mandatory for an appeal to the NCLAT against an order passed under the IBC – must be based on a harmonious interpretation of the applicable legal regime, given that the IBC is a Code in itself and has overriding effect. Sections 61(1) and (2) of the IBC consciously omit the requirement of limitation being computed from when the "order is made available to the aggrieved party", in contradistinction to Section 421(3) of the Companies Act. Owing to the special nature of the IBC, the aggrieved party is expected to exercise due diligence and apply for a certified copy upon pronouncement of the order it seeks to assail, in consonance with the requirements of Rule 22(2) of the NCLAT Rules. Section 12(2) of the Limitation Act allows for an exclusion of the time requisite for obtaining a copy of the decree or order appealed against. It is not open to a person aggrieved by an order under the IBC to await the receipt of a free certified copy under Section 420(3) of the Companies Act 2013 read with Rule 50 of the NCLT and prevent limitation from running. Accepting such a construction will upset the timely framework of the IBC. The litigant has to file its appeal within thirty days, which can be extended up to a period of fifteen days, and no more, upon showing sufficient cause. A sleight of interpretation of procedural rules cannot be used to defeat the substantive objective of a legislation that has an impact on the economic health of a nation.*

***22.** On the second question, Rule 22(2) of the NCLAT Rules mandates the certified copy being annexed to an appeal, which continues to bind litigants under the IBC. While it is true that the tribunals, and even this Court, may choose to exempt parties from compliance with this procedural requirement in the interest of substantial justice, as re-iterated in Rule 14 of the NCLAT Rules, the discretionary waiver does not act as an automatic exception where litigants make no efforts to pursue a timely resolution of their grievance. The appellant having failed to apply for a certified copy, rendered the appeal filed before the NCLAT as clearly barred by limitation."*

15. In ***Sanket Kumar Agarwal v. APG Logistics Private Limited, (2023) ibclaw.in 72 SC***, Hon'ble Supreme Court reiterated the same principle and clarified the law laid down in ***V Nagarajan*** and held that (i) the limitation stops running on the e-filing of an appeal before the NCLAT and not on presentation of a physical copy; (ii) the date on which the order is pronounced is to be excluded from the calculation of limitation, and (iii) the time taken by the NCLT to provide the appellant with the certified copy would be excluded from the calculation of limitation, provided the appellant applies within the prescribed period of limitation under Section 61(2) of the IBC.

16. In ***Tata Steel Ltd. Vs Raj Kumar Banerjee, (2025) ibclaw.in 177 SC,*** Hon'ble Supreme Court held as under;

> *"**11.1.** Once the prescribed and condonable periods (i.e., 30 + 15 days) expire, the NCLAT has no jurisdiction to entertain appeals, regardless of the reason for the delay. In Mobilox Innovations Private Limited v. Kirusa Software Private Limited [(2017) ibclaw.in 01 SC], while interpreting Section 9 IBC, this Court underscores the IBC's strict procedural discipline i.e., only applications strictly conforming to statutory requirements can be entertained. This principle is also applicable to limitation issues under section 61(2), as it supports the idea that tribunals must operate within the bounds of the Code, without adding equitable or discretionary powers not conferred by statute. This Court in Kalpraj Dharamshi v. Kotak Investment Advisors Limited & Another [(2021) ibclaw.in 40 SC] has categorically held that the NCLAT cannot condone any delay beyond 15 days even on equitable grounds; and that the appellate mechanism under IBC is strictly time-bound by design to preserve the speed and certainty of the insolvency resolution process.*
>
> ***11.2.** Thus, the NCLAT has no power to condone delay beyond the period stipulated under the statute. Accordingly, the second issue is answered by us."*
>
> *The appellants were represented before the NCLT on 18 November 2025 when impugned orders were passed/pronounced. The appellants have demonstrated no effort on their part to secure certified copy of the said orders and has relied on the date of the uploading of the order (12 December 2025) on the website of the NCLT. The period of limitation for filing the appeals under Section 61(1) against the orders of the NCLT dated18 November 2025, expired on 18 December 2025 in view of the thirty-day period prescribed under Section 61(2) of the*

> *Code. Any scope for condonation of delay expired on 02 January 2026, in view of the expiry of outer condonable limit of 15 days prescribed under the proviso to Section 61(2)".*

17. Therefore, keeping in view all the facts and circumstances of this case, we are of the considered view that the impugned order was pronounced on 18 November 2025, and the appeals were, filed on 3 February 2026, beyond the stipulated 45 days, while this appellate tribunal has jurisdiction only to condone the delay up to 15 days, beyond stipulated 30 days. Thus, the above applications moved by the appellant to condone the delay of 45 days appears to be not maintainable and are **dismissed** as such.

18. Since the delay condonation applications have been **dismissed**, the Appeals are also **dismissed**.

[Justice Mohammad Faiz Alam Khan]
Member (Judicial)

[Naresh Salecha]
Member (Technical)

New Delhi
02.09.2026
sr