

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

I.A. No. 1528 of 2025
in
Company Appeal (AT) (Ins) No. 416 of 2025

IN THE MATTER OF:

Technio Business Solutions Pvt. Ltd.

...Appellants

Versus

Anacare Management Pvt. Ltd.

...Respondents

Present:

For Appellant : Ms. Mayureshwari Korday, Advocate.

For Respondents : None.

O R D E R
(Hybrid Mode)

Per: Barun Mitra, Member (Technical)

The present application IA No. 1528 of 2025 is an application praying for condonation of 172 days delay in refiling of the Company Appeal (AT)(Ins) No. 416 of 2025.

2. Notice was issued in respect of the above IA by this Tribunal vide order dated 11.07.2025 which reads as under:-

“21.04.2025: Issue Notice on the delay condonation application of 12 days as well as refiling delay application of 171 days.

2. Let the reply be filed within two weeks. Rejoinder be filed before the date fixed.

List this appeal on 19th May, 2025.”

3. The Applicant has offered the following explanation in paragraph III in their application justifying the refiling delay which is as extracted below:-

“ii. ...Registry that the said Appeal cannot be finally numbered and taken on file unless the objections are cleared in the remaining 3 interim applications.

iii. The Applicant was awaiting specific additional documents to be attached to the interim applications in accordance with the client’s instructions. Unfortunately, these documents were not received within the expected timeframe due to unavoidable circumstances, including delays from the client’s end, who are based in Dehradun, a location distant from both the Applicant’s office in Mumbai and the respective adjudicating forums. Communication delays, compounded by logistical challenges, contributed significantly to the delay.

iv. Additionally, due to the client’s need for further clarifications and approvals on certain documents, the process was further extended beyond the anticipated timeline. The geographic distance between the Applicant, the clients in Dehradun, the Hon’ble Adjudicating Authority in Ahmedabad, and the Appellate Authority in New Delhi added layers of complexity to the coordination process. Furthermore, considering the Applicant’s need to comply with the specific objections raised in the appeal memo, extra time was needed to ensure all documentation was thoroughly vetted and corrected before submission.

v. In the interim, to demonstrate the Applicant’s good faith and commitment to the process, the entire Appeal memo was filed promptly after addressing the raised objections. It is crucial to underscore that the delay was neither intentional nor deliberate. Instead, it arose from genuine logistical difficulties, unforeseen communication issues, and the need for multiple parties to coordinate across different cities. The Applicants faced major practical difficulty on this account and further state that they have a good case on merits and in the event they are not given opportunity then Applicants shall suffer grave harm and prejudice.”

4. We have heard the learned counsel of the Applicant. The Ld. Counsel for the Respondent was not present. We have perused the records carefully.

5. The Ld. Counsel of the Applicant has submitted that efforts were made to cure the defects in the main appeal petition but in the meantime the Registry pointed out defects which were noticed in respect of the accompanying I.A's. Submission has been pressed that these multiple defects could not be cured in time due to her client being located in another city while the Adjudicating Authority and Appellate Tribunal were located elsewhere. Further delay arose on account of personal difficulties of the client owing to his financial woes. She also urged that the delay was not deliberate and being unintended it should be condoned because the client has a good case on merits whose interests will stand prejudiced if denied an opportunity to be heard on merits.

6. The short question before us is whether the Applicant has offered bonafide reasons which serve to amply justify the request for condoning the refiling delay.

7. Coming the to the first ground raised by the Applicant that the Registry had pointed out numerous defects both in the main petition and related IA's, it is nothing unusual as the Registry is supposed to meticulously scrutinise all petitions and related IAs and point out defects which comes to its notice. The Registry having pointed out the defects, in terms of the NCLAT Rules, these were required to cured within 7 days. As against this prescribed timeline, the Applicant remedied the defects after a yawning gap of 172 days. The Applicant has failed to list out how many times defects were notified to them by the Registry and how many days they took in curing the defects each time and what took them 172 days to overcome all the defects. Merely because several defects

were pointed out by the Registry can by no means constitute a valid ground for seeking condonation of delay in refiling.

8. Another ground raised is logistical difficulties because of different locational settings of the client, the Adjudicating Authority and the Appellate Authority. It is not clear how the location of the Adjudicating Authority impeded the filing of an appeal before this Tribunal at a time when the order sought to be impugned was passed way back on 12.07.2024. Such mindless and grotesque grounds to justify delay lack substance and fails to impress us. Further the grounds of logistical difficulties and geographical barriers were not unforeseen facts which warrants any leniency. We are not convinced by this alibi either.

9. The last ground raised during the oral submissions was of personal difficulty arising out of financial hardship. Any explanation to be found credible and potentially acceptable for allowing condonation of delay should necessarily clarify as to what unavoidable circumstances or happenings occurred which fell beyond the control of the litigant warranting delay condonation. No details were stated how the financial difficulties acted as an impediment. In the absence of any details, it is difficult for us to appreciate as to how the financial plight of the litigant impacted the procedure of timely curing of defects. In the absence of such hard facts, the explanation is found to be bald, facile and one lacking substance.

10. In sum, we are therefore of the considered view that the delay in the instant case was not caused by reasons beyond the ostensible control of the

Applicant but manifests signs of disinterest, callousness and negligence. The Insolvency and Bankruptcy Code aims at providing a framework for timely resolution of insolvency and bankruptcy cases in a fair and transparent manner and given this laudable aspiration, the grounds raised for allowing 172 days delay in refiling is not found worthy of condonation.

11. Not satisfied with the grounds stated for seeking condonation of 172 days in refiling, the refiling delay application is rejected. Consequently, memo of appeal and all other I.A's stand rejected.

**[Justice Ashok Bhushan]
Chairperson**

**[Barun Mitra]
Member (Technical)**

**Place: New Delhi
Date: 05.08.2025**

Harleen/Abdul