

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Insolvency) No. 1000 of 2025
& I.A. No. 3920 of 2025

IN THE MATTER OF:

**Alpesh Vasudev Gandhi,
Representative of Suspended Management**

...Appellant

Versus

**Small Industries Development Bank of India (SIDBI)
& Ors.**

...Respondents

Present:

For Appellant : Mr. Aditya Guha, Advocate.

For Respondents : Mr. NPS Chawla, Mr. Sujoy Datta, Ms. Mahima Shekhawat, Mr. Abhishek Chhabra, Advocates for R-1.

Mr. Vinod Kumar S. Shah, Advocate for R-2.

Mr. Palash S. Singhai, Mr. Tirth Naryak, Mr. Harshal Sareen, Advocates for R-4 to 7.

O R D E R
(Hybrid Mode)

22.09.2025: **I.A. No. 3920 of 2025:** This is an application filed by the Appellant praying for condonation of delay in filing the appeal. The order impugned was pronounced on 21.04.2025 and this appeal has been filed on 09.06.2025.

2. Learned counsel for the Appellant submits that the order was uploaded on 22.04.2025 and he applied for certified copy on 23.04.2025, which was

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received on 24.04.2025. He submitted that hence limitation shall commence from 25.04.2025 and from 25.04.2025 if limitation is computed, the appeal was filed within 15 days after expiry of 30 days.

3. Learned counsel for the Respondent refuting the submissions of learned counsel for the Appellant submits that order having pronounced in open court on 21.04.2025, the limitation shall commence from very next day i.e. 22.04.2025 and certified copy having been applied on 23.04.2025 and received on 24.04.2025, Appellant can get exclusion of only two days' during which period the copy was under preparation.

4. The order impugned has been pronounced in open Court. When order is pronounced in open court question of uploading of order is not relevant for the purposes of limitation. Appellant is entitled for benefit of two days' exclusion during which the certified copy was under preparation. Order having passed on 21.04.2025, 30 days' period expired on 21.05.2025 and after 21.05.2025 on 05.06.2025, the 15 days' period shall come to an end. By giving benefit of 2 days more, the Appellant ought to have filed appeal by 07.06.2025. Appeal having filed on 09.06.2025 i.e. beyond 15 days' period, there is clear delay of 17 days in filing the appeal, which is beyond condonable period.

5. We, thus, are of the view that our jurisdiction to condone delay is limited to only 15 days under Section 61(2) proviso and we are unable to

condone the delay of 17 days. Delay condonation application is rejected. In result, Memo of appeal is also rejected.

[Justice Ashok Bhushan]
Chairperson

[Barun Mitra]
Member (Technical)

Archana/nn