

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT)(Insolvency) No. 665 of 2023
&
I.A. No. 2211 of 2023

IN THE MATTER OF:

Rishi Kumar

...Appellant

Versus

Shubhkamna Buildtech Pvt. Ltd.

...Respondent

Present:

For Appellant : -

**For Respondents : Mr. Abhishek Anand, Mr. Nipun Gautam, Ms. Bindu das, Mr. Karan Kohli, Advocates.
Mr. Nalin Dhingra, Advocate for R-2**

O R D E R

25.05.2023: I.A. No. 2211 of 2023

This is an application praying for condonation of 76 days' delay in filing the Appeal. The order was passed on 15.12.2022 and the present appeal has been filed on 17.04.2023. The Appellant applied for certified copy on 15.02.2023 which was ready on 10.03.2023. Learned Counsel for the Appellant submits that the Appellant was checking on the website and the order was not uploaded. It is submitted that even on the day when the certified copy was applied, it was not uploaded.

Be that as it may, the order is dated 15.12.2022 and the limitation starts running from that date. Submission of the Appellant that copy of the order was not uploaded and hence they could not apply cannot be accepted. The issue is

fully covered by the Judgment of Hon'ble Supreme Court in the matter of **V. Nagarajan Vs. SKS Ispat and Power Ltd. & Ors. – (2022) 2 SCC 244.**

Our jurisdiction to condone delay is limited to 15 days as per Section 61 (2) proviso. We thus cannot condone the delay of 76 days as prayed for.

Delay condonation Application is rejected. Consequently, the Memo of Appeal is also rejected.

**[Justice Ashok Bhushan]
Chairperson**

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

akc/nn