

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
AT CHENNAI

(APPELLATE JURISDICTION)

Company Appeal (AT) (CH) (INS) No. 516 / 2025
(IA Nos. 1452 & 1453 / 2025)

In the matter of:

Mr. K. Parthiban Rasu,
aged about 76 years,
S/o. Kathirvel, Suspended Director of
M/s. Star Trace Private Limited,
New No 5, Old No 7, Jeevanandam Street,
Redhills, Chennai-600 052

... Appellant

V

R. Venkatakrishana,
Resolution Professional IBBI/IPA-001/IP-P00115/
2017-18/10250
Rajparis Trimeni Towers, First Floor,
147, G N Chetty Road, Chennai – 600017

...Respondent No. 1

Thai Research Info Tech,
Rep. by Sole Proprietor, Ms. P. Leela,
No. 48, T.V.K. Street, Redhills,
Chennai, Tamil Nadu – 600052

...Respondent No.2

Thai Research Info Tech (OPC) Private Limited,
Rep by Sole Director Ms. P. Leela,
No. 48, T.V.K. Street, Redhills,
Chennai, Tamil Nadu – 600052

...Respondent No.3

Rashmi Cement Limited,
Rep. by its authorized signatory,
Mr. Amarnath Chowdhury,
Having its registered office at
Po-Jhargram, Dist-Paschim Medinipur Jhargram,
West Bengal - 721 507

...Respondent No.4

Present :

For Appellant : Mr. Sudharshana Sunder, Advocate
For Respondents : Mr. R. Venkatakrishana, RP/R1
Mr. TK. Bhaskar, Mr. Aditya Mukerjee &
Ms. Niveditha Narayanan, Advocates for R4

ORDER
(Hybrid Mode)

16.10.2025:

Oral Judgment : Justice Sharad Kumar Sharma, Member (Judicial):

1. The Appellant in the instant Company Appeal (AT) (CH) (INS) No. 516 / 2025, questions the Impugned Order of 18.07.2025, as it was passed in IA (IBC) / 931 (CHE) / 2025, as preferred in CP (IBC) / 304 / CHE / 2020.
2. The instant Company Appeal is accompanied with a Condone Delay Application, being IA No. 1452 / 2025 where the Registry has reported that the Company Appeal was preferred before this Tribunal by e-filing the same on 09.10.2025 and as such, the Appeal suffers from a delay of 52 days.
3. In the said Condone Delay Application, the Appellant has pleaded that the delay was caused because the Appellant is an aged person and he was hospitalised due to his age related issues and hence he could not file the Appeal on time. This is the only ground he has pleaded as raised in Para IIIA of the Application.
4. Apart from the fact that, the said pleading which has been raised in the application is vague, ailment is a fact which has to be established by supporting documents to justify the prayer that the nature of the ailment and the incapacity,

which the deponent suffered from was such that it incapacitated him from filing an affidavit before the Tribunal or preferring the Appeal in time.

5. In the instant case, if we go through the records, it shows that the Appellant had applied for the Certified copy on 28.07.2025 and he was in receipt of the Certified copy of the order on 01.08.2025.

6. Even, if we determine it from the date of receipt of the Certified copy of the order, the period of limitation in context of the provisions contained under sub-section 2 of Section 61 of I & B Code, 2016, has expired well before filing of the Appeal. We do not see any plausible explanation given in the application, as to why, with effect from 01.08.2025, till the date of filing of the Company Appeal i.e. 09.10.2025, the Appellant has sat over the issue and has not preferred the Appeal, within the time period prescribed under the law.

7. Apart from it, so far as the determination of the aspect of limitation for the proceedings under Section 61 of I & B Code, 2016, is concerned, the law in itself is quite explicit in its terms that the period of limitation for filing the Appeal as prescribed under Section 61(2) of I & B Code, 2016, cannot be extended beyond 45 days under any set of circumstances and that grant of condonation of delay beyond the period of 45 days goes outside the ambit of this Appellate Tribunal.

8. In that eventuality, the Condone Delay Application being IA No. 1452 / 2025 would stand rejected and as a consequence thereto, the instant Company

Appeal (AT) (CH) (INS) No. 516 / 2025 would too stand dismissed. The connected Interlocutory Application, if any, would stand closed.

[Justice Sharad Kumar Sharma]
Member (Judicial)

[Jatindranath Swain]
Member (Technical)

SR/MS/AK