

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL**  
**PRINCIPAL BENCH, NEW DELHI**

**Company Appeal (AT) (Ins) No. 111 of 2026 &**  
**I.A. No. 398 of 2026**

**IN THE MATTER OF:**

**Nashik Workers Union**

**...Appellants**

**Versus**

**Dhaval Jitendra Kumar Mistry,  
Resolution professional & Ors.**

**...Respondents**

**Present:**

**For Appellant : Ms. Sudha Bhardwaj, Advocate.**

**For Respondents : Mr. Atul Sharma and Ms. Aditi Sharma, Advocates  
for R1/RP.**

**O R D E R**  
**(Hybrid Mode)**

**17.03.2026: I.A. No. 398/2026**

This is an application praying for condonation of 16 days delay in filing the appeal. The order impugned was passed on 16.10.2025 and the appeal has been e-filed on 01.12.2025. Ld. Counsel for the appellant submits that appellants were not party to the proceedings and they have filed only claim as worker and they came to know about the order by email dated 03.11.2025 hence the limitation for the appellant shall commence when the receipt the information of the order on 03.11.2025 that to without the copy of the resolution plan.

Ld. Counsel for the respondent opposing the submission submits that limitation for filing the appeal shall commence on immediately on the date when order was delivered and appeal having been filed on 46<sup>th</sup> day is beyond condonable period. The submission of the appellant that appellant came to

know about the order only on 03.11.2025 when it was communicated hence limitation should commence and counted from 03.11.2025 cannot be accepted. It is settled law that when the order is delivered limitation commences and limitation shall be counted from the next day. Ld. Counsel for the appellant lastly contended that 45<sup>th</sup> day being Sunday the appeal can be filed on 46<sup>th</sup> day. The said issue is also settled that the period benefit of the 'Limitation Act' on the day when the court is closed is available only for the period prescribed for the limitation that is for 30 days. That the said benefit cannot be held applicable with regard to 45<sup>th</sup> day as contended by the appellant. Our jurisdiction of condone the delay is limited to 15 days as per Section 61(2) proviso. The delay being beyond our jurisdiction and condonable period cannot be condoned. Delay condonation application is rejected consequently memo of appeal is also rejected.

**[Justice Ashok Bhushan]**  
**Chairperson**

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

*harleen/MD*