

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).6921/2022

M/S. BAJAJ PROMOTERS PRIVATE LIMITED

APPELLANT(S)

VERSUS

THE REGISTRAR OF COMPANIES, CHENNAI

RESPONDENT(S)

O R D E R

1. Heard the learned counsel appearing for the appellant.
2. On 11th December, 2018, an application was filed under Section 252(3) of the Companies Act, 2013 (for short, "the Companies Act") for restoration of the name of the appellant in the Register of the Companies. The name of the appellant was struck out on 18th August, 2018. The application under Section 252(3) of the Companies Act was dismissed by the National Company Law Tribunal (for short, "the NCLT") on 31st January, 2019. On 30th June, 2019, the appellant purported to file a review petition before the NCLT. The review petition was dismissed by the NCLT by an order dated 30th March, 2021. After a lapse of more than one year, on 21st April, 2022, an appeal was preferred by the appellant before the National Company Law Appellate Tribunal (for short, "the NCLAT"). As there was a delay in preferring the appeal, the appellant applied for condonation of delay.
3. The learned counsel appearing for the appellant submitted that the NCLAT in the impugned judgment has taken an erroneous view that Section 14 of the Limitation Act, 1963 (for short, "the Limitation

Act") cannot be applied for excluding the period spent for prosecuting the review petition. Her submission is that, in fact, while rejecting the review petition, the NCLT held that the review petition was not maintainable and, hence, the NCLT did not have the jurisdiction to entertain the review petition. Her further submission is that, thus, the NCLAT has proceeded on a wrong premise that Section 14 of the Limitation Act will have no application when Section 433 of the Companies Act specifically makes Section 14 of the Limitation Act applicable to the proceedings under the Companies Act.

4. To the above extent, the learned counsel appearing for the appellant is right in the sense that in view of the findings recorded by the NCLT on the review petition, the time consumed in prosecuting the review petition ought to have been excluded. However, we find that there is a delay on the part of the appellant at every stage. The application for restoration of the appellant's name in the Register of the Companies was filed after a lapse of four months from the date on which it was struck out. The review petition was filed five months after the NCLT dismissed the application. After the review petition was dismissed, it took more than one year for the appellant to prefer an appeal before the NCLAT. There is no justification for this delay of five months and one year respectively.

5. Looking to the nature of the proceedings, the NCLAT was justified in holding that no case was made out to condone the delay, especially when under Section 421 of the Companies Act, the

delay could have been condoned provided it was upto forty-five days.

6. Hence, there is no merit in the Appeal and the same is, accordingly, dismissed.

.....J.
(ABHAY S. OKA)

.....J.
(UJJAL BHUYAN)

NEW DELHI;
FEBRUARY 18, 2025.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SCIVIL APPEAL NO(S).6921/2022

M/S. BAJAJ PROMOTERS PRIVATE LIMITED

APPELLANT(S)

VERSUS

THE REGISTRAR OF COMPANIES, CHENNAI

RESPONDENT(S)

(IA No. 178101/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES AND IA No. 144372/2022 - STAY
APPLICATION)

Date : 18-02-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE UJJAL BHUYAN

For Appellant(s): Ms. Jahnvi Taneja, Adv.
Mr. Vishnu Unnikrishnan, Adv.
Mr. Danish Saifi, Adv.
Mr. Sabarish Subramanian, AORFor Respondent(s): Ms. Archana Pathak Dave, A.S.G.
Mr. Raman Yadav, Adv.
Ms. Mani Munjal, Adv.
Mr. Aadya Jha, Adv.
Mr. Vaishnav Kirti Singh, Adv.
Mr. Sudarshan Lamba, AORUPON hearing the counsel the Court made the following
O R D E R

The Appeal is dismissed in terms of the signed order.

Pending applications stand disposed of accordingly.

(ASHISH KONDLE)
ASTT. REGISTRAR-cum-PS(AVGV RAMU)
COURT MASTER (NSH)

[THE SIGNED ORDER IS PLACED ON THE FILE]