

hNATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Comp. App. (AT) (Ins) No. 212 of 2026 &
I.A. No. 684, 775 of 2026

IN THE MATTER OF:

Regional Provident Fund Commissioner – II (Legal), ...Appellant(s)
Regional Office Surat, Employees Provident Fund
Organization
Versus

Rajendra Jain Resolution Professional of Kimaya ...Respondent(s)
Industries Pvt. Ltd.

Present:

For Appellant : Mr. Kaushik Kumar Dey, Advocate

For Respondents :

O R D E R
(Hybrid Mode)

08.04.2026 **I.A. No. 684 of 2026** This is an Application praying for condonation of 317 day delay in refiling the Appeal. The only reason which appears in the Application which has been taken are in Paragraph 5, 6 and 7, which are as follows :-

“5. That upon receiving the information regarding the defects further time was consumed in the process of informing the same to the office of the appellant and thereafter in communicating the same to the counsel for rectifying the defects in the appeal, approving, and signing of the by the appellant.

6. The learned counsel for the Applicant has been suffering from serious health ailments, including a heart condition requiring medical supervision, sternal complications, and pancreatic issues. which rendered him bedridden for a considerable period of time. Owing to such prolonged illness and physical incapacity, the counsel was operated. After that operation, counsel was only involved in limited matters. Hence, refiling could not be completed within the limitation period of 7 days.

7. That after recovery it took some time for the counsel to put everything in place as office was not synchronised. It took some time to arrange the document and again start the process.”

2. We are of the view that no satisfactory reason has been given explaining refiling delay of 317 days. The explanation which are sought to be given in Paragraph 5, 6 & 7 are general and is not sufficient to condone the refiling delay of 317 days.

3. The Appeal has been filed arising out the Corporate Insolvency Resolution Process and there has to be satisfactory explanation for delay of 317 days.

4. The Application for condonation of delay in refiling the Appeal is rejected. Memo of Appeal is also rejected.

5. Ld. Counsel for Appellant submitted that liquidation proceeding has already commenced. It shall be open for the Appellant to take such steps, as available in law. We need not make any observation with regard to said proceeding in the present Appeal.

[Justice Ashok Bhushan]
Chairperson

[Indevar Pandey]
Member (Technical)

Prerana/md