

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
Comp. App. (AT) (Ins) No. 1277 of 2022
& I.A. No. 3934, 3894 of 2022**

In the matter of:

**The State, Government of NCT of Delhi Through
Commissioner Department of Trade & Taxes
Vs.Appellant**

**Krishna Chamadia, Resolution Professional of Ricoh
India Ltd. & Ors. ...Respondents**

For Appellant: Mr. M.L. Garg, Advocate.

For Respondents: Ms. Pooja Mahajan, Ms. Arveena Sharma, Ms. Mehak
Nayak, Advocates for R1
Mr. Prateek Kumar, Ms. Raveena Rai, Mr. Rohit
Ghosh, Advocates for R2&3

ORDER

01.11.2022: **I.A. Nos. 3934 & 3894 of 2022**:- By I.A No. 3894 of 2022, Appellant has prayed for condonation of 734 days delay in re-filing and by another Application I.A. No. 3934 of 2022, delay of 138 days sought to be condoned.

2. This Appeal has been filed against the order dated 28.11.2019 passed by the Adjudicating Authority. The Appeal was e-filed on 16.09.2020. The hardcopy came to be filed only on 29.09.2022. There is both delay in re-filing as well as in filing of the Appeal. Coming to the delay in filing of the Appeal, the order was passed on 28.11.2019 and Appeal was filed on 16.09.2020. There is a delay, according to the Appellant, of 138 days. Limitation for filing the Appeal expired on 28.12.2019. The Appeal having been filed on 16.09.2020, there is a delay of more than nine months in filing the Appeal.

3. Our power to condone the delay is limited to 15 days by virtue of Section 61 sub-section (2) proviso. The Appellant is not entitled for the benefit of order of the Hon'ble Supreme Court in Suo Moto Writ Petition No. 03 of 2020 since before the date i.e. 15th March, 2020 the limitation has already expired. The Appeal having been filed with uncondonable delay, the Application for condonation of delay is rejected. Consequently, the memo of appeal is rejected. Application for condonation of re-filing delay also stands rejected.

**[Justice Ashok Bhushan]
Chairperson**

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

Anjali/nn