

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Comp. App. (AT) (Ins) No. 911 of 2024

IN THE MATTER OF:

**Anup Kumar Singh,
Chairman of the Monitoring
Committee & the erstwhile RP of E.R Textile Ltd. ...Appellant(s)**

Versus

Annapoorani Textiles Pvt. Ltd. ...Respondent(s)

Present:

For Appellant : Mr. Krishnendu Datta, Sr. Advocate with Mr. Gaurav H. Sethi, Mr. Rahul Pawar and Mr. Rahul Kapoor, Advocates.

For Respondent : Mr. Piyush Swami, Adv. Rony O John, Mr. Deep Roy, Adv. Bhavit Baxi and Adv. Rishi B., Advocates for R2.

Mr. Gokula Krishnan, Advocate.

ORDER (Hybrid Mode)

30.10.2025 **I.A. No. 4921 of 2024:** This is an application praying for condonation of delay in filing the appeal. Ld. Counsel for the Appellant submits that there is no delay in filing the appeal. An additional affidavit has been filed in support of the condonation of delay where it is submitted that against the order dated 31.01.2024 appeal was filed on 29.02.2024 i.e. within 30 days where challenge was made to the order passed in I.A. 300/KB/2023 and 1200/KB/2023.

It is submitted that defect was raised by the registry that separate appeals have to be filed for challenging the order passed in two different I.A.'s. It is submitted that the appeal which was filed is to be treated against the order passed in I.A. No. 1200 of 2023, hence, a separate appeal was filed against

order passed in I.A. 300/KB/2023 and 1200/KB/2023. In view of the defects raised by the registry delay is claimed to have been occurred.

Ld. Counsel for the Respondent has filed the reply to the delay condonation application objecting to the delay condonation. In the reply it is contended that Tribunal is not empowered to condone the delay beyond period of 15 days after 30 days period, hence, the condonation cannot be allowed. We have perused the record in additional affidavit.

Ld. Counsel for the Appellant has brought on record the appeal which was filed on 29.02.2025 being CA (AT) (Ins.) No. 829 of 2024, the prayers made in the appeal which are as follows:

“(a) Set aside the Impugned Order dated 31.01.2023 passed in I.A. (IB) No. 300(KB)/2023 and I.A. (IB) No. 1200(KB)/2023 in C.P. (IB)482(KB)/2019 by the Learned National Company Law Tribunal Kolkata Bench; and/or;

(b) An order be passed directing the Respondent to handover forthwith to the applicant erstwhile Resolution Professional/ Chairman of the Monitoring Committee, the vacant and peaceful possession of the Corporate Debtor’s land situated at 2/1, Nariganapuram Village, Berigai Post, Hosur-635105, Tamil Nadu along with plant and machinery thereon granted on lease to the respondent.

(c) An order be passed directing the Respondent to release/remit the outstanding lease rent and occupation charges of INR 10,65,79,838/- (Rupees Ten Crores Sixty-Five Lakhs Seventy-Nine Thousand Eight

Hundred & Thirty-Eight) accrued from February, 2021 till January, 2024, to the account of the Corporate Debtor including the rent/occupation charges that would accrue till the date of actual eviction of the lessee from the premise of the Corporate Debtor.

(d) Ad-interim orders in terms of the prayers above;

(e) Pass such other or further orders which this Hon'ble Appellate Tribunal deems fit in the facts and circumstances of the instant case."

In the aforesaid, both orders were challenged in a single appeal and defects were raised by the registry where with regard to objecting to filing the appeal challenging two orders in I.A's. It is submitted that in view of the objection which was raised, a fresh appeal i.e. present appeal CA (AT) (Ins.) No. 911 of 2024 was filed on 29.03.2024. The CA (AT) (Ins.) No. 829 of 2024 has been subsequently withdrawn on 28.03.2025 and the present appeal was filed on 29.03.2024.

In the facts of the present case admittedly the earlier appeal CA (AT) (Ins.) No. 829 of 2024 challenging both the orders passed in I.A. No. 300 & 1200 of 2023 was filed within 30 days. It cannot be said that Appellant has not filed the appeal within the limitation for challenging the order and it was due to objection raised by the registry separate appeal was filed i.e. the present appeal on 29.03.2024.

We thus, that the appeal is to be treated filed within limitation. Application is disposed of accordingly.

Ld. Counsel for the Respondent prays for and is allowed two weeks' time to file an objection to the I.A. No. 6536 of 2024.

List this appeal on **27.11.2025**.

[Justice Ashok Bhushan]
Chairperson

[Barun Mitra]
Member (Technical)

Abhishek/nn