NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Insolvency) No.638 of 2023
& I.A. No.2115 of 2023

IN THE MATTER OF:

Expo India International
Through Its Sole Proprietor Shubham Yadav **...Appellant**

Versus

Vikram Bajaj **...Respondent**

Present:

For Appellant: **Mr. Shashank Agarwal, Advocate.**

For Respondent: **Mr. Kunal Godhwani and Mr. Nikhil Jha, Advocates.**

O R D E R

22.05.2023: **I.A. No. 2115 of 2023:** This is an application praying for condonation of delay in filing the appeal. The order impugned was pronounced by the Adjudicating Authority on 27.02.2023. This Appeal has been filed in this Tribunal on 17.04.2023.

2. Learned counsel for the Appellant submits that he was sent the certified copy of the impugned order by the Tribunal by letter dated 01.03.2023, which he received on 10.03.2023 and from 10.03.2023 appeal has been filed within 45 days, hence, the delay, if any, is only 8 days, which may be condoned.

3. Learned counsel for the Respondent submits that Appellant has not applied for certified copy of the order, hence, he cannot claim exclusion of any time in receiving certified copy of the order.

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4. We have considered the submission of learned counsel for the parties and perused the record.

5. The copy of impugned order which has been annexed with the appeal is free of cost copy received by the Appellant. It is not case of the Appellant that Appellant had applied for certified copy of the impugned order. Exclusion of the period during which certified copy was under preparation as per Section 6 of the Limitation Act is only permitted.

6. We, thus, are of the view that period for filing the appeal shall commence, in the present case, from the next date of pronouncement of the order i.e. from 28.02.2023, the Appeal having filed on 17.04.2023, beyond 45 days, we are unable to condone the delay in filing the Appeal. Delay Condonation Application is dismissed. Memo of Appeal is rejected.

[Justice Ashok Bhushan]
Chairperson

[Barun Mitra]
Member (Technical)

Archana/nn