

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
AT CHENNAI

(APPELLATE JURISDICTION)

Company Appeal (AT) (CH) (Ins) No. 326 / 2025

(IA Nos. 989, 990 & 991 / 2025)

In the matter of :

Nalimela Jagadeeshwar Reddy,

S/o. Nalimela Narsa Reddy,

Aged about 51 years,

Occupation : Business

R/o. Flat No. 505,

Chella Chinnamma Chambers,

Near Nexa Service Center,

Jubilee Garden, Street No. 8,

Kodapur, K V Rangareddy,

Telangana – 500084

... Appellant

V

Mr. Kasi Srinivas,

Erstwhile Liquidator,

M/s. Payism Technologies India Private Limited

1-2-37/4B, Flat No. 4B,

Jains Bhavani Residency, St. No. 3,

Kakatiya Nagar, Habsiguda,

Hyderabad, Telangana – 500 007

... Respondent

Present:

For Appellant : Mr. V. Ravi Kumar, Advocate

For Respondent : Mr. Kasi Srinivas, Erstwhile Liquidator

ORDER
(Hybrid Mode)

22.07.2025:

Oral Judgment : Justice Sharad Kumar Sharma, Member (Judicial):

The Appellant in the instant Company Appeal (AT) (CH) (INS) No. 326 / 2025, as preferred under Section 61 of I & B Code, 2016, puts a challenge to the Impugned Order dated 19.02.2025, as it has been rendered by the Ld. NCLT, Hyderabad in IA (Dis.) IBC No. 2 / 54 / HDB / 2025 in CP (IB) No. 14 / 7 / HDB / 2020.

The admitted facts, which has been provided by the Appellant himself, reveals that the impugned order was rendered on 19.02.2025 and the Applicant has filed an Application for procuring the Certified copy of the order on 15.04.2025, which is much beyond the prescribed period of limitation as contemplated under sub-section (2) of Section 61 of I & B Code, 2016, for filing of an Appeal and even after the receipt of the Certified copy of the order, the Appeal was for the first time e-filed before this Tribunal on 11.04.2025.

The grounds which has been agitated by the Appellant in his application is that, since he was not a party to the proceedings he could not get the knowledge of the same, and therefore, there was a delay in filing of the Appeal.

Not being a party to the proceedings cannot invariably be taken as to be the reason for condonation of delay, owing to the principle which has been settled by the Hon'ble NCLAT, Principal Bench, in a judgment rendered in

Company Appeal (AT) (INS) No. 1071 / 2023 and IA No. 3694 / 2023, Riyan Hotels And Resorts Pvt. Ltd. V. Unrivalled Projects Pvt. Ltd., with Company Appeal (AT) (INS) No. 588 / 2023 and IA No. 1956 / 2023, Aryan Mining & Trading Corpn Pvt. Ltd. V Kail Ltd. & Anr., wherein the Principal Bench while deciding the Appeals has observed that, mere lack of knowledge or not being a party to the proceedings cannot be a reason for the purposes of extension of the period of limitation as prescribed under the proviso to sub-section (2) of Section 61 of I & B Code, 2016. Relevant paragraph is extracted hereunder:

“Section 61. Appeals and Appellate Authority.

(2) Every appeal under sub-section (1) shall be filed within thirty days before the National Company Law Appellate Tribunal.”

Once the Judgment has been brought in public domain and that too, in the peculiar set of circumstances of the instant case, where the Appellant himself has applied for the Certified copy, after the expiry of limitation period of 30 days from the date of delivery of the order, the Appeal having been filed much beyond the stipulated period of limitation as provided under sub-section (2) of Section 61 and the condonable period as provided in the proviso to it, stands barred by limitation and the same cannot be entertained. Accordingly, the Condone Delay Application i.e. IA No. 989 / 2025 would stand rejected and as a consequence thereto, the Condone Delay Application in Re-filing i.e. IA No. 991 / 2025, will also stand rejected.

Owing to the orders passed by this Tribunal on the Condone Delay Application, the Company Appeal (AT) (CH) (INS) No. 326 / 2025, too would stand dismissed.

[Justice Sharad Kumar Sharma]
Member (Judicial)

[Jatindranath Swain]
Member (Technical)

SR/MS/RS