
(2024) 10 NCLAT CK 1197

In the National Company Law Appellate Tribunal

Case No : Company Appeal (AT) (Insolvency) No. 1845 of 2024?& I.A. No. 6704, 6759 of 2024

Santoshi Hyvolt Electricals Pvt. Ltd.

APPELLANT

Vs

Kalpataru Projects International Ltd.

RESPONDENT

Date of Decision : 19-10-2024

Acts Referred:

Citation : (2024) 10 NCLAT CK 1197

Hon'ble Judges : Ashok Bhushan, Chairperson; Barun Mitra, Member (T); Arun Baroka, Member (T)

Bench : Full Bench

Advocate : Saurabh Balwani , Anand Prakash, Abhijeet Sinha, Ayush Agarwal, Vikrant Singh, Anu Tewari , Pranav Saigal

Final Decision : Dismissed

Judgement

21.10.2024 : I.A. No. 6704/2024

1. This is an Application praying for condonation of 291 days delay in refiling of the Appeal.

2. The only reason given for refiling of the Appeal is in Para 1 of the Application which is as follows:

"1. That the Applicant filed the present Appeal along with IAs on which certain defects were marked by the Registry. However, while re-filing the Appeal after curing the defects the undersigned counsel asked his clerk to refile the same but the file was misplaced by the clerk and he resigned/left the office, because to which the same has not been re-filed in the above-said case within seven days. Thereafter the counsel forgot to the track the matter and forgot to take care of the matter and due to which there has been 291 days delay in re-filing the appeal which was neither intentional nor deliberate."

3. We do not find any sufficient cause in the above Paragraph for condonation of

inordinate delay of 291 days. The Appeal arises out of IBC proceedings and an inordinate delay of 291 days cannot be condoned for the reasons given in Paragraph 1.

4. The Appellant has not been vigilant to pursue his cause. We thus do not find sufficient cause to condone the refiling delay of 291 days. Refiling delay is rejected. Memo of Appeal is also rejected.