

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
AT CHENNAI
(APPELLATE JURISDICTION)
IA No. 676/2026
IN
Company Appeal (AT) (CH) (Ins) No. 238/2026
(IA No. 677/2026)

In the matter of:

SASMITA KUMARI SADANGI

W/o. Satyapriya Rajguru

Suspended Director of

Yellowstone EV Power Pvt. Ltd

S1, Block-B, MRK Garden,

Maruthi Nagar 2nd Main Road,

Seevaram, Chennai 600 096

...Appellant/ Suspended

Director

V

GENEXT GREENPOWER SOLUTIONS PVT. LTD.

Regd Office at:

GG-III/23, Vikas Puri,

New Delhi 110 018.

...1st Respondent/ Petitioner/ Financial Creditor

RAKESH JINDAL

Efficax Resolution Professionals Private Limited Interim Resolution

Professional of Yellowstone EV Power Pvt. Ltd.

3rd Floor, 70D, Pocket- A Vikaspuri Extension,

(Krishna Park Extension, Tilak Nagar),

New Delhi-110018

...2nd Respondent/Corporate Debtor

Present :

For Appellant : Mr. BSV Prakash Kumar &

Mr. Akash Balagee. A, Advocates

For Respondents : Mr. Gaurav Rai & Mr. K.M. Anand, Advocates for R1

Mr. Naman Singh Bagga &

Mr. Kashish Mathur, Advocates for R2/RP

ORDER
(Hybrid Mode)

[ORAL JUDGMENT: Justice Sharad Kumar Sharma, Member (Judicial)]

16.06.2026:

The Appellant herein claims herself to be the Suspended Director of M/s. Yellowstone EV Power Private Limited, (i.e., the Corporate Debtor), who, in the instant company appeal, questions the propriety of the impugned order dated 20.02.2026, as it was passed by the Ld. NCLT, Chennai Bench in CP (IB) No. 101(CHE)/2025. In the said proceedings which were carried under Section 7 of the I & B Code, 2016, the corporate debtor M/s. Yellowstone EV Power Private Limited has been directed to be admitted to the CIRP by an order that was pronounced on 20.02.2026, resulting into commencement of CIRP as against the CD. But owing to the peculiar circumstances of the instant company appeal, we may not be required to venture much on merits of the company appeal, as we have to first deal with the aspect of limitation.

2. The company appeal is accompanied with a Condone Delay Application, being IA No. 676/2026, wherein the Appellant is seeking a condonation of delay of 13 days chanced in filing of the Appeal. Ld. Counsel for the Appellant has contended that computation of limitation period will start from the date of uploading of the impugned order on the website of NCLT, the impugned order was uploaded on 24.02.2026 and the Appeal was e-filed on 08.04.2026, 43 days

after the date of uploading and hence the delay in filing the appeal happens to be of 13 days which would be falling under condonable period, as construed under proviso to Section 61 (2) of the I & B Code and hence the delay may be condoned based on the reasons given in the said application.

3. However, the registry has reported the delay to be that of 17 days, having calculated the same from the date of passing of the impugned order, i.e., 20.02.2026.

4. It is an admitted case of the parties to the proceeding that the order was pronounced on 20.02.2026 and it was uploaded on the site of Tribunal on 24.02.2026. On scrutiny of the impugned order and the records filed along with the Company Appeal, it can be seen that the proceedings of the company petition were being actively contested by the Appellant and that she was represented through her counsel therein when the matter was heard on merits on 06.01.2026 and order on the company petition was reserved. Therefore, it has to be construed that the Appellant was a party to the proceedings and was aware of the pronouncement of the order on 20.02.2026 and therefore, she cannot claim that she became aware of the passing of the impugned order only when the said order was uploaded. Therefore, as per the ratio of **Sanjay Pandurang Kalate**, limitation will start from the date of pronouncement and not from the date of uploading.

5. Further, as per the details given at the foot of the impugned order, while issuing the certified copy, it can be seen that the application for procuring the certified copy was made by the Appellant only on 06.04.2026, more than 30 days from both the date of pronouncement of the order and the date of its uploading, which means that she has not applied for a certified copy of the order within the limitation period. This establishes lack of diligence on part of the Appellant in pursuing the Appeal as per the dictum laid down by the judgement of Hon'ble Apex Court in the matter of **V. Nagarajan v. SKS Ispat & Power**, which will disentitle her from claiming any benefit on account of uploading of the impugned order at a date later than the date of pronouncement.

6. As per the report of the Registry, e-filing of the appeal happens to be on 08.04.2026 and in that eventually, even if we extend the fullest benefit to the Appellant under Section 61 (2) of the I & B Code, to be read with its proviso to the Section, the Appeal will stand barred by limitation, having been filed with 17 days of delay, delay having been computed with reference to the date of pronouncement of the order as the start point of limitation.

7. Further, since the Appellant was an active contestant to the proceedings, she ought to have applied for the certified copy of the order within the period of limitation of 30 days from the date of pronouncement of the order and having not done so and having applied for the copy for the first time on 06.04.2026, she will

not be eligible for any extension or exclusion of the limitation period as prescribed by the Code.

8. Thus, it will have to be held that the appeal has been preferred beyond the period of limitation which is not condonable under law and accordingly, the Condone Delay Application being IA No. 676/2026 would stand rejected. As a consequence, thereto the company appeal too would stand dismissed.

[Justice Sharad Kumar Sharma]
Member (Judicial)

[Jatindranath Swain]
Member (Technical)

SN/MS/AK