

(2026) 07 NCLAT CK 0013

In the National Company Law Appellate Tribunal, Pricipal Bench, New Delhi, CHENNAI Bench

Case No : Company Appeal (AT) (CH) (Ins) No.243/2026

Vangala Bikshapathi & Anr.

APPELLANT

Vs

State Bank of India & Anr.

RESPONDENT

Date of Decision : 14-07-2026

Acts Referred:

I&B Code — Section 95, 61, 61 (2)
Companies Act, 2013 — Section 421(3)

Citation : (2026) 07 NCLAT CK 0013

Hon'ble Judges : Justice Sharad Kumar Sharma, Member (Judicial);Jatindranath Swain, Member (Technical)

Bench : Division Bench

Advocate : For Appellant : Mr. Bhagavath Krishnan, Advocate For Dr. Pundla Bhaskara Mohan, Advocate

Final Decision : Dismissed

Judgement

(Hybrid Mode)

The instant company appeal has been preferred by the Appellants, expressing their grievance as against the impugned order of 28.01.2026, passed by the Ld. NCLT, in CP(IB)395/95/HDB/32022.

The consequential effect of the impugned order had been that, the application preferred under Section 95 of the Code was directed to be admitted. The certified copy of the order reflects that the Appellant received the certified copy of the order from the Registry of the Ld. NCLT on 18.03.2026.

According to the report of the Registry, the e-filing of the appeal was made on 31.03.2026, 62 days after the date of pronouncement of the impugned order. The appellant contends that the limitation period for filing the Appeal is 45 days as per the provisions of section 421(3) of Companies Act, 2013, and therefore the last date for filing the Appeal was 15.03.2026 and that he has filed the

Appeal on 30.03.2026 which is a delay of 15 days which may be condoned based on the medical reasons he has narrated in his application. However this Appeal has been preferred under Section 61 of I&B Code under which an Appeal has to be preferred within 30 days of the order and therefore, the limitation period will end on 27.02.2026. Further, the Appellant had participated in the same, and he had knowledge of the proceedings, and hence he was duty-bound to prefer the Appeal within the prescribed period of limitation. Having filed the same only on 31.03.2026 with a delay of 32 days, the Appeal will be barred by limitation, because even the condonable period would expire on 14.03.2026. Hence the delay 32 days of delay in filing the Appeal cannot be condoned under the proviso under Section 61 (2) of the Code which has been upheld by a catena of judgements by Hon'ble Apex Court and this Appellate Tribunal.

Accordingly, the Condone Delay Application would stand rejected. Consequently, the company appeal too would stand dismissed on the ground of limitation itself.