

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
CHENNAI BENCH

(APPELLATE JURISDICTION)

IA No.1203/2025

Company Appeal (AT) (CH) (Ins) No.423/2025

(IA No.1204/2025)

IN THE MATTER OF:

Cerebra Integrated Technologies Ltd

....Appellant

Vs

Just Right Life Ltd

....Respondent

WITH

IA No.1248/2025

in

Company Appeal (AT) (CH) (Ins) No.437/2025

(IA No.1247/2025)

IN THE MATTER OF:

Cerebra Integrated Technologies Ltd

....Appellant

Vs

Manish Kumar Bhardwaj, Proprietor of

Bhardwaj Enterprises

....Respondent

Present:

For Appellant : Mr. S. Diwakar, Advocate

For Respondent : Mr. Mohti Nandwanii & Mr. Om Gulati, Advocates

ORDER

(Hybrid Mode)

02.12.2025:

Heard the Learned Counsel for the Appellant in these two Company Appeals, which emanate from the impugned order dated 01.05.2025, as it had been respectively rendered, in IA No.61/2025 & IA No.62/2025, as it stood preferred in CP(IB) No.59/2024 & CP(IB) No.60/2024. The facts, which are revealed for record are that the impugned order was pronounced by Learned Tribunal on 01.05.2025, and according to the information imparted by Learned

Counsel for the Respondent to this Appellate Tribunal, the said order was uploaded on the website of the Learned NCLT on 05.05.2025 as per the information made available on the website of the NCLT. However, the free copy of the same was made available to the Appellant only on 15.05.2025.

The Company Appeals are accompanied with respective Condone Delay Applications being, IA No.1203/2025 & IA No.1248/2025, where the Appellant has sought a condonation of 10 days of delay that has chanced in preferring the Appeals. The Learned Counsel for the Appellant argues that for the purposes of the determination of limitation, as prescribed under the proviso to Sub-Section (2) of Section 61 of the I & B Code, 2016, for the purpose of the instant Company Appeals, the limitation has to be construed from 15.05.2025, that is, the date when he received the free copy of the impugned order. That may not be a sound reason to be accepted, for the reason being that once the impugned order was admittedly uploaded on the website of the Tribunal on 05.05.2025, the order will have to be construed to have come into the public domain from the said date and that, it has been made available to all including the Appellant. Since the Appeal could have been preferred by the Appellant by downloading the copy of the impugned order, which was uploaded on 05.05.2025, the period of limitation will have to be determined from the said date. If the period of limitation is determined from 05.05.2025, that is the date when the order was uploaded, the Appeal, since having been preferred by e-filing of the same on 23.06.2025, will be barred by limitation, because the period of 45 days computed from 05.05.2025 expired on

19.06.2025. There is nothing on record to show when the Appellant has applied to obtain certified copy of the impugned order and whether he has made the said application within the period of limitation period of 30 days of the date of pronouncement of the impugned order. Nor it has been pleaded by the Appellant in the Application made by him seeking condonation of the delay in filing the Appeal. Even if we calculate the limitation from the date of uploading of the impugned order, i.e., 05.05.2025, 45 days' period will expire on 19.06.2025. Admittedly, the Company Appeals were e-filed before this Tribunal on 23.06.2025, 49 days after 05.05.2025, which is beyond the maximum period of 45 days as prescribed under section 61(2) of I&B Code.

Exclusively on the ground that the number of days of delay that have been sought to be condoned is falling beyond the permissible limit as prescribed under the proviso to Sub-Section (2) of Section 61 of the I & B Code, 2016, the Condone Delay Applications, as it had been respectively preferred in the two Company Appeals, would stand rejected, and as a consequence thereto, the Company Appeals too would stand rejected on the ground of limitation.

[Justice Sharad Kumar Sharma]
Member (Judicial)

[Jatindranath Swain]
Member (Technical)

VG/MS/AK