

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Insolvency) No. 1600 of 2026
& I.A. No. 6133 of 2026

IN THE MATTER OF:

Pradip Kumar Bajaj & Anr.

...Appellant(s)

Versus

Vaibhav Khandelwal

Liquidator of Mohon Motor Dealers Pvt. Ltd.

...Respondent(s)

Present:

**For Appellant(s) : Mr. Anirban Bhattacharya, Ms. Radhika Misra,
Mr. Sayantan Bose, Ms. Manisha Das, Mr.
Subham Saurabh, Mr. Rajeev Choudhary,
Advocates.**

**For Respondent(s) : Mr. Rishav Banerjee, Mr. Shambo Nandy, Mr.
Daksh Sharma, Mr. Moulinath Mitra, Advocates
for R-1.**

With

Company Appeal (AT) (Insolvency) No. 1601 of 2026
& I.A. No. 6137 of 2026

IN THE MATTER OF:

Harshit Bajaj & Ors.

...Appellant(s)

Versus

Vaibhav Khandelwal

Liquidator of Mohon Motor Dealers Pvt. Ltd.

...Respondent(s)

Present:

**For Appellant(s) : Mr. Anirban Bhattacharya, Ms. Radhika Misra,
Mr. Sayantan Bose, Ms. Manisha Das, Mr.
Subham Saurabh, Mr. Rajeev Choudhary,
Advocates.**

**For Respondent(s) : Mr. Rishav Banerjee, Mr. Shambo Nandy, Mr.
Daksh Sharma, Mr. Moulinath Mitra, Advocates
for R-1.**

With

Cont'd.../

Company Appeal (AT) (Insolvency) No. 1609 of 2026
& I.A. No. 6156 of 2026

IN THE MATTER OF:

Gayetri Singh & Anr.

...Appellant(s)

Versus

Vaibhav Khandelwal

Liquidator of Mohon Motor Dealers Pvt. Ltd.

...Respondent(s)

Present:

For Appellant(s) : Mr. Anirban Bhattacharya, Ms. Radhika Misra, Mr. Sayantan Bose, Ms. Manisha Das, Mr. Subham Saurabh, Mr. Rajeev Choudhary, Advocates.

For Respondent(s) : Mr. Rishav Banerjee, Mr. Shambo Nandy, Mr. Daksh Sharma, Mr. Moulinath Mitra, Advocates for R-1.

ORDER
(Hybrid Mode)

14.09.2026: In view of the consensus arrived between learned counsel for the parties, aforesaid appeals are connected.

2. **I.A. No. 6133 of 2026 in Company Appeal (AT) (Insolvency) No.**

1600 of 2026: Additional Affidavit filed by the Appellant is taken on record.

We have heard learned counsel for the Appellant/ Applicant as well as learned counsel appearing for the Respondent.

3. The instant delay condonation application has been moved by the Applicant for condonation of delay of 14 days which has occurred in filing the instant appeal.

4. Learned counsel for the Appellant submits that the impugned order was passed on 12.06.2026 and he has moved an application for obtaining certified

copy on 19.06.2026, however, the copy was prepared on 29.06.2026. This period which has been consumed by the office of the learned Adjudicating Authority, is required to be excluded in view of Section 12(2) of the Limitation Act.

5. It is further submitted that in fact the application for obtaining the certified copy of the impugned order was moved on 19.06.2026, however, it has been wrongly mentioned in the certified copy as 25.06.2026 but even if the application for obtaining the certified copy of the impugned order is taken to have been filed on 25.06.2026 even then the instant appeal has been filed within stipulated 45 days and this Appellate Tribunal is having jurisdiction to condone the delay which has occurred in filing this appeal.

6. It is further submitted that the delay which has occurred in filing the instant appeal is on account of preparing and arranging the documentary evidence for the purposes of filing the appeal, however, the delay is not deliberate and the same may kindly be condoned.

7. Learned counsel for the Respondent fairly submits that it is for this Appellate Tribunal to take a call on the delay condonation application moved by the Appellant.

8. We have perused the grounds taken by the Appellant for condonation of delay. It is undisputed that the impugned order was passed on 12.06.2026 and even if as endorsed by the office of NCLT on the certified copy, the date of moving application for obtaining the certified copy is taken as 25.06.2026, the certified copy has been prepared on 29.06.2026. Thus, the period from

25.06.2026 to 29.06.2026 is required to be excluded in view of the provisions contained under Section 12(2) of the Limitation Act and if we exclude this period, the appeal has been filed well within the outer limit of 45 days. We are also of the view that the explanation which has been provided for condonation of delay is genuine and may be accepted. Thus, delay condonation application moved by the Appellant is allowed and delay of 10 days which has occurred in filing this appeal is condoned. I.A. No.6133 of 2026 is disposed of accordingly.

9. **I.A. No. 6156 of 2026 in Company Appeal (AT) (Insolvency) No. 1609 of 2026:** Additional Affidavit filed by the Appellant is taken on record. We have heard learned counsel for the Applicant as well as learned counsel appearing for the Respondent. The instant delay condonation application has been moved by the Applicant for condonation of delay of 9 days which has occurred in filing the instant appeal.

10. Learned counsel for the Appellant submits that the impugned order was passed on 12.06.2026 and he has moved an application for obtaining certified copy on 19.06.2026, however, the copy was prepared on 30.06.2026. This period which has been consumed by the office of the learned Adjudicating Authority, is required to be excluded in view of Section 12(2) of the Limitation Act.

11. It is further submitted that the instant appeal is filed within stipulated 45 days and this Appellate Tribunal is having jurisdiction to condone delay which has occurred in filing this appeal.

12. It is further submitted that the delay which has occurred in filing the instant appeal is on account of preparing and arranging the documentary evidence for the purposes of filing the appeal and is not deliberate and the same may kindly be condoned.

13. Learned counsel for the Respondent fairly submits that it is for this Appellate Tribunal to take a call on the delay condonation application moved by the Appellant.

14. We have perused the grounds taken by the Appellant for condonation of delay. It is undisputed that the impugned order was passed on 12.06.2026 and the date of moving application for obtaining the certified copy is 19.06.2026, the certified copy has been prepared on 30.06.2026. Thus, the period from 19.06.2026 to 30.06.2026 is required to be excluded in view of the provisions provided under Section 12(2) of the Limitation Act and if this period is excluded, the appeal appears to have been filed well within the outer limit of 45 days.

15. We are also of the view that the explanation which has been provided for condonation of delay is genuine and may be accepted. Thus, delay condonation application moved by the Appellant is allowed and delay of 9 days which has occurred in filing this appeal is condoned. I.A. No.6156 of 2026 is disposed of accordingly.

16. **I.A. No. 6137 of 2026 in Company Appeal (AT) (Insolvency) No. 1601 of 2026:** Additional Affidavit filed by the Appellant is taken on record. The Appellant has moved this application for condonation of delay of 12 days.

Learned counsel for the Appellant submits that the impugned order was passed on 12.06.2026 and on 19.06.2026, they have moved an application for obtaining the certified copy of the impugned order, however, the same has not been prepared/ provided yet.

17. While drawing our attention to Section 12(2) of the Limitation Act, it is submitted that this whole period which has been consumed by the learned Adjudicating Authority for preparation of the certified copy is required to be excluded in view of the provision contained in Section 12(2) of the Limitation Act.

18. It is further submitted that though the appeal filed by the Appellant is within time, however, exercising extreme caution the delay condonation application has been filed and delay, if any, which has occurred in filing the appeal has occurred bonafidely without any ill intention and same be condoned.

19. Learned counsel for the Respondent submits that he is not having any objection if the delay occurred in filing the appeal is condoned.

20. Having heard learned counsel for the Appellant as well as learned counsel for the Respondent and keeping an eye on the facts which have been pleaded explaining the delay i.e. on 19.06.2026 the application was filed by the Appellant for obtaining the certified copy of the impugned order and the same has not been prepared yet, we intend to condone the delay which has occurred in filing the appeal. Thus, the delay condonation application is

allowed and the delay, if any, which is occurred in filing the appeal is condoned. I.A. No.6137 of 2026 is disposed of accordingly.

21. Learned counsel for the parties are in agreement that these appeals may be disposed of finally, however, it is submitted that they be granted some reasonable time after completion of their oral submissions to submit their written submissions and the written submission which may filed by the Respondent-Liquidator may be taken as the reply of the Liquidator.

22. In this background, we proceed to dispose of these appeals finally.

23. Heard Shri Anirban Bhattacharya, learned counsel for the Appellant as well as Shri Rishav Banerjee, learned counsel appearing for the Respondent – Liquidator. Arguments concluded. Judgment reserved.

24. Learned counsel for the parties may file their written submissions not containing more than 4 or 5 pages within a week from today.

[Justice Mohammad Faiz Alam Khan]
Member (Judicial)

[Naresh Salecha]
Member (Technical)

Archana/km