NATIONAL COMPANY LAW APPELLATE TRIBUNAL
AT CHENNAI

(APPELLATE JURISDICTION)

19.11.2026

Present: JUSTICE N. SESHASAYEE, MEMBER (JUDICIAL)
JATINDRANATH SWAIN, MEMBER (TECHNICAL)

IA No.1686/2026
in
Company Appeal (AT) (CH) (Ins) No.596/2026
(IA Nos.1685/2026)

In the matter of:

MD Varadarajan, Suspended Director of
Kniss Laboratories Pvt Ltd ... Appellant

Vs

Pharmarule, Rep by its Partner,
Mrs. Malliga & Anr. ...Respondents

Present :

For Appellant : Mr. R. Vidhya Shankar, Advocate
For Mr. Pranav V Shankar, Advocate
For Respondents : Mr. Gaurav Kumar, Advocate for R1
Mr. Siddharth Shivkumar & Mr. Sanjay Krishnan, Advocates for R2

ORDER

(Hybrid Mode)

[Per: Justice N. Seshasayee, Member (Judicial)]

IA No.1686/2026 in Comp App (AT) (CH) (Ins) No.596/2026:-

This appeal is preferred after the Appellant has approached the Hon'ble Madras High Court under Article 227 of the Constitution of India, challenging an order admitting the corporate debtor to CIRP under Section 9 of the I & B Code,

2016. The appellant has taken out IA No.1686/2026 for condonation of 15 days of delay, but according to the learned counsel for the appellant, there is hardly any delay.

2. The relevant dates which are necessary for the current purpose:

a) 25.08.2026 – The impugned order was passed.

b) 21.09.2026 – Application for obtaining the certified copy of the impugned order.

c) 23.09.2026 – The appellant had obtained the certified copies.

3. The learned counsel for the appellant submitted that,

a) on 21.09.2026, when he filed the copy application, 27 days out of 30 days within which the appeal should have been filed had expired. On obtaining the certified copy of the impugned order on 23.09.2026, the appellant moved the Hon'ble High Court in CRP No.6499/2026. This came to be disposed of by the First Bench of the Hon'ble High Court on 07.10.2026. The operating portion reads as under: -

> *"4. In view of the above, the civil revision petition is dismissed giving liberty to the petitioner to avail the remedy of appeal under Section 61 of the Insolvency and Bankruptcy Code before the National Company Law Appellate Tribunal. The petitioner is entitled to seek for exclusion of the period during which the revision petition was*

pending before this Court".

b) Since the time lost before the Hon'ble High Court is directed to be deducted, i.e., from 24.09.2026 to 07.10.2026, the same is required to be excluded. He would add that on 09.10.2026, the appeal was filed. This implies that, this appeal was filed at least one day before the expiry of the entire time of 30 days within which the appeal is required to be filed.

4. Per contra, the learned counsel for the first Respondent submitted that,

a) Other than this Tribunal once the appellant approaches a forum which lacks jurisdiction to entertain the same then such forum while disposing of the matter on the ground of non-existence of jurisdiction in it, cannot exclude the time spent before it under Section 14 of Limitation Act and that it has to be done only by this Tribunal. Reliance was placed on the judgments of this Tribunal in ; ***PV Mohammad Equbal Vs. Tata Capital Ltd & Another, Ponnuvalappil Zubai Vs. Tata Capitals & Another*** [CA (AT) (CH) (Ins) No. 17 of 2026, 18 of 2026] and ***Rajeev Vidhyadharan & Another Vs. PJ Mathews & Others.*** [Company Appeal (AT) (CH) No. 162/2025]

b) This apart, any application for condonation of delay should accompany the appeal and it cannot be filed after the expiry of the time stipulated for filing the appeal. And in this specific case, in as much as IA No. 1686/2026 was filed after the expiry of the period of limitation, the same cannot be entertained. Reliance was placed on ***ASREC (India) Private Limited vs. S.A. Prem Kumar***, [Company Appeal (AT) (CH) (Ins) No. 90 of 2026] and ***M/s. LIC Housing Finance Limited vs. Mr. Ramakrishnan Sadasivan, Erstwhile Resolution Professional of M/s. Lokaa Developer Private Limited*** [IA No. 1830 of 2025 in Company Appeal (AT) (CH) (Ins) No. 658 of 2025].

5) In response, the counsel for the appellant submits that, there is a huge difference between condonation of delay and exclusion of time under Section 14 of the limitation act. And also, the High Court in exercise of its jurisdiction under Article 227 felt that there is an alternative remedy and directed the appellant to approach this tribunal and directed to exclude the time spent before it. So far as the present case is concerned, the appeal has been filed within the time stipulated by the High Court and this Tribunal at any rate may consider whether the case is fit enough where time

may have to be excluded under Section 14 of the Limitation Act.

6)DECISION:

We weighed rival submissions and find that it is a case where we need to allow IA No.1686/2026 filed under Rule 11 of NCLAT Rules 2016. And our reasons are:

a) It is not a case where the appellant has approached this tribunal directly but has approached the first bench of the Hon'ble Madras High Court under Article 227 of the Constitution of India. Therefore, the ratio in ***ASREC (India) Private Limited (Supra) & M/s. LIC Housing Finance Limited (Supra)*** may not apply. Those were cases where the appeal itself was filed on the 16th day and in one case it was not accompanied by a petition to condone delay. And the limitation was essentially held against the appellants in those cases essentially based on the date from which the limitation was required to be computed: whether from the date of pronouncement of the order, or from the date of uploading the order in the official portal of the tribunal. So far as, the ratio in ***PV Mohammed Equbal case (Supra) & Rajeev Vidhyadharan case (Supra)*** is concerned, this tribunal has held that only it has the power under Section 14 of the Limitation Act and that any other forum which the appellant

might have approached earlier may not have the authority to condone it.

b) Exclusion of time under Section 14 is not same as condonation of period of limitation.

c) The time spent before the Hon'ble Madras High Court has been condoned by the first bench in a petition which the appellant has filed under Article 227 of the Constitution of India. And we find the reasons are satisfactory enough to exclude the time under Section 14 of the Limitation Act, irrespective of the direction given by the Hon'ble Madras High Court.

7) Accordingly, delay of 15 days is hereby condoned, and **IA No. 1686/2026** is allowed. No costs.

List this matter on **23.11.2026**.

[Justice N. Seshasayee]
Member (Judicial)

[Jatindranath Swain]
Member (Technical)

VG/AA/MS