

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
CHENNAI BENCH

DATED: 27.10.2026

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

Company Appeal (AT) (CH) (Ins) No. 246/2026
(IA Nos. 692, 693 & 694/2026)

In the matter of:

NUALCO PRIVATE LIMITED

Through its director i.e., John
Eapen
F 21 Ambattur Industrial Estate,
10th Street,
Chennai, Tamil Nadu 600058

...APPELLANT

Vs

MR. K. MURALI KRISHNA PRASAD

Resolution Professional of
Raine Industries and Engineering Private Limited
H No. 8-72, Plot No. 106,
Mythripuram colony, Jillegudda
Vyshalingar PO Hyderabad -
500079.

....RESPONDENT NO.1

COMMITTEE OF CREDITOR

of Raine Industries and Engineering Private Limited
Represented by
HDFC Bank House,
Senapati Bapat Marg,
Lower Parel, (West), Mumbai 400013

....RESPONDENT NO.2

MR. SHAIK GOUSE

Liquidator of
Raine Industries and Engineering Private Limited
H.No.8-2-603/1/10,

Krishnopuram Road
No 10, Banjara Hills, Hyderabad,
Telangana 500034

....**RESPONDENT NO.3**

Present :

**For Appellant : Mr. S. Silambanan, Senior Advocate
For Ms. Anandha Lakshmi, Advocate**

For Respondents : Mr. B. Dhanaraj, Advocate for R2

ORDER
(Hybrid Mode)

[Per: Jatindranath Swain, Member (Technical)]

The appellant has taken out IA 694/2026 to condone the delay of 54 days in refiling the appeal. In it he has stated that the appeal was e-filed on 19.01.2026, defects were intimated on 11.02.2026 and the appeal was re-filed on 16.04.2026.

2. The appellant has listed the reasons of delay in re-filing in para 3 of the application, which are that counsel was sick due to his allergic reaction and respiratory distress, on account of which he was not in a position to interact with the counsel and set the defects rectified in time. We are satisfied with the reasons given as above and condone the delay of 52 days in refiling the appeal.

IA 693/2026

3. The Appellant herein is one of the operational creditors who challenges the Impugned Order dated 03.12.2025, passed in IA(IBC)(Liq)/15/2025 in CP/IB/192/10/2023 whereby the NCLT has allowed liquidation of the Corporate Debtor. However, the appellant has filed an application IA No. 693/2026 praying for condonation of delay of 15 days that has chanced in filing the appeal.

4. The relevant dates are given hereunder: -

Date of impugned order	03.12.2025
Date when limitation starts	04.12.2025
Date of uploading of the order	04.12.2025
Date on which limitation expires	02.01.2026
Date on which condonable period expires	17.01.2026
Date of filing of appeal	19.01.2026

The registry of this Tribunal has reported 17 days of delay in filing the appeal.

5. The learned counsel for the applicant submits that,

- a) the impugned order was passed on 03.12.2025. The web copy of the Impugned Order was uploaded on the NCLT portal on 04.12.2025. He acquired the knowledge of passing of the said order only on 10.01.2026, when he contacted the suspended management to ascertain the progress of the Corporate Insolvency Resolution Process (“CIRP”).
- b) He tried to e-file the Appeal on 16.01.2026 with a delay of 13 days. But, the NCLAT e-filing portal was not functioning from 16.01.2026 to 19.01.2026 afternoon, thereby preventing him from filing the Appeal before 17.01.2026. To substantiate it, the applicant has produced a copy of email that he has sent to the registry intimating the same.
- c) The appellant has made bona fide efforts to institute the Appeal within the period available under Section 61(2) of the Code but, the delay that has chanced is beyond his control and hence seeks to exclude the days when the website was not working, for computation of limitation.

d) He has a substantive interest in the CIRP proceedings and intends to submit a Resolution Plan. Hence, he will be put to a grave prejudice if the delay is not condoned and the Appeal is not permitted to be considered on merits.

e) The delay was neither deliberate nor intentional and was beyond the control of the appellant and hence the delay in filing of the appeal may be condoned.

6. The respondent contends that,

a) The filing made by the appellant on 19.01.2026 was not in compliance with the statutory requirements and the clear appeal book with requisite affidavit, certified copy was only prepared on 13.04.2026. Thus, the appeal filed on 19.01.2026 is an incompetent appeal and not a valid appeal in the eyes of law.

b) The contention of appellant that he was unable to file the appeal on 16.01.2026 due to the technical glitch in NCLAT website is not sustainable as it is not backed by any evidence, even though the burden lies upon the appellant to establish the same. Reliance was placed.

- c) On the ratio in ***Anglewoods Apartment Allotees Association v. M. Lalitha and others*** [2026 SCC Online 846] in which it has been categorically held that incompetent appeal cannot be sustained in the eye of law.
- d) As the appellant has failed to demonstrate the sufficient cause for condoning the delay in filing the appeal, it deserves to be rejected.

DISCUSSION AND DECISION:

7. The Appellant has taken out this application for condonation of delay of 17 days in filing the appeal; Clearly the delay in the instant case falls beyond the permitted upper limit of condonable period. However, it is seen that indeed the appellant has sent the mail intimating the registry about his efforts to e-file the appeal on 16.01.2026 but could not because of technical glitch in the NCLAT portal. The Appellant relied on the order of this tribunal passed in ***State Bank of India Vs. Manoj kumar Koyalkar and 2 Ors*** [CA(INS)74/2026] in which delay of 20 days stood condoned, where the 5 days (17.01.2026 to 21.01.2026) on which the e-portal was not working stood excluded for the purpose of limitation. In

response to the case relied, the registry informs that there indeed was a technical glitch in that period and many counsels had complained about the same. Keeping that in mind and being satisfied with the reason stated in the application, we proceed to exclude the period from 16.01.2026 to 19.01.2026 from the limitation period and condone the delay that has intervened in filing of the instant appeal.

8. List the matter on **20.11.2026**.

[Justice N. Seshasayee]
Member (Judicial)

[Jatindranath Swain]
Member (Technical)

SN/MS/AK