NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

I.A. No. 4211 of 2026
in
Comp. App. (AT) (Ins) No. 1072 of 2026

IN THE MATTER OF:

Vaibhav Mercantile Ltd. ...**Appellant(s)**

Versus

S. Kaliyammal ...**Respondent(s)**

Present:

For Appellant : Mr. Gokul Athithya R.P., Ms. Anjali Agarwal, Advocates.

For Respondents : Mr. G. Vairava Subramanian, Advocate.

O R D E R
(Hybrid Mode)

[Per: Justice Mohd. Faiz Alam Khan, Member (Judicial)]

IA No. 4211 of 2026 in Company Appeal (AT) (Ins) No. 1072 of 2026

Instant application has been moved by the appellant in CA (AT) (Ins) No. 1072 of 2026, which has been preferred against the order dated 23/4/2026 passed by the National Company Law Tribunal, Mumbai Bench, Court-VI, Special Bench (Adjudicating Authority) in CP(IB) No. 1416(MB) 2025, praying to condone the delay of 17 days which has occurred in filing the appeal.

2. Ld. Counsel for the appellant at the outset submits that, though in the application filed for condonation of delay, the prayer has been made to condone the delay of 17 days, it is however, after the inclusion of the two holidays which had fallen on the 30th and 31st day of the limitation.

Therefore, these days would have to be excluded from computing the limitation and if these two days are excluded, the appeal has been filed on the 45th day and is within the condonable jurisdiction of 15 days of this Appellate Tribunal.

3. Ld. Counsel for the Appellant further submits that the impugned judgment was pronounced on April 23, 2026, and this day would be excluded from computation of the limitation as per Rule 3 of the NCLAT Rules and relevant provisions of the Indian Limitation Act. The period of limitation would start from April 24, 2026, and the 30th day would fall on 23.05.2026, which was the 4th Saturday of the month on which the office of the NCLAT remains closed and May 24, 2026 was Sunday, which was also a holiday for the NCLAT. Therefore, by this computation, the 30th day would fall on May 25, 2026, and as the appeal has been filed on June 9, 2026, the same is within the 15 days' condonable jurisdiction of 15 days of this Appellate Tribunal.

4. It is further submitted that although the impugned order was pronounced on 23 April 2026, the same could only be uploaded on the website of the Ld. Adjudicating Authority on 21 May 2026. Therefore, the detailed reasons recorded by the Learned Adjudicating Authority were not available to the Appellant for a substantial part of the limitation period. Reliance in this regard has been placed on the case status report wherein the date of uploading of the impugned order is shown as 21/5/2026.

5. It is further submitted that the delay has been caused in filing the appeal only on the score that the detailed order was not in the knowledge of

the appellant due to its uploading on 21st May 2026. Thus, the delay has been caused by those reasons which were not under the control of the appellant, and the delay which has occurred in filing the appeal may kindly be condoned.

6. Ld. Counsel for the appellant has relied on the law laid down by the Hon'ble Supreme Court in ***Tata Steel Limited vs. Rajkumar Banerjee and others (2025) 9 Supreme Court Cases 483***.

7. Ld. Counsel for the Respondent, however, opposes the submissions made by Ld. Counsel for the appellant on the ground that, under Section 61(2) of the IBC, the appeal is required to be filed within 30 days. The proviso to that section, however, only permits the NCLAT to condone the delay on showing sufficient cause, but such period in any case shall not exceed 15 days. Therefore, the appeal is required to be filed within extended 15 days, that is, the 45th day of the passing of the order.

8. It is further submitted that the reliance of the Appellant on ***Tata Steel Limited (supra)*** is of no use, as the said case has reiterated that the total permissible period under Section 61(2) of the Code is 45 days, comprising the initial 30-day limitation period and the further 15-day period, which alone may be condoned upon sufficient cause being demonstrated. Once the prescribed period and condonable period expire, the NCLAT has no jurisdiction to entertain the appeal.

9. It is further submitted that the Ld. Counsel for the Appellant has misread the law laid down by the Hon'ble Supreme Court in ***Tata Steel Limited (supra)*** as it says that Section 4 of the Limitation Act could not be

invoked when the appeal has been filed beyond the statutory maximum period of 45 days under Section 61(2) of the IBC.

10. It is further submitted that the Hon'ble Supreme Court in ***Tata Steel (supra)*** has relied on ***Assam Urban Water Supply and Sewerage Board versus Subhash Projects and Marketing Limited,*** wherein the Hon'ble Supreme Court explained that where the prescribed limitation period expired while the court was functioning, the subsequent condonation period could not be extended merely because its last day happened to fall during a court holiday, as the benefit of Section 4 is attached to the prescribed period and not to the discretionary period which follows it.

11. It is submitted that, applying the aforesaid principle, the 30-day limitation period after excluding the date of pronouncement would culminate on 23 May 2026. If 23 May,2026 and 24 May, 2026 are treated as closed days for the purpose of the applicable rules, then and only then the benefit of Section 4 or Rule 3 may be extended so as to permit filing on the next working day, namely 25 May 2026. Rule 3 of the NCLAT Rules itself provides that, while computing time, the day from which the period is reckoned is excluded. Where the last day expires and the office of the Tribunal is closed, that day and the succeeding day would be excluded.

12. It is further submitted that Section 4 of the Indian Limitation Act cannot be construed to confer an additional grace period over and above the 15 days expressly permitted by the proviso to Section 61(2) of the Code.

13. Ld. Counsel for the Respondent also relied on ***V Nagarajan versus SKS Ispat and Power Limited, Tata Consultancy Services Limited***

versus SK Wheels Private Limited and Another, and submits that any appeal filed beyond 45 days, including the 15 days' condonable period, is liable to be dismissed. Therefore, the appeal filed by the appellant is liable to be dismissed, as the same is beyond limitation.

14. We have heard Learned Counsel for the parties and have perused the record. It appears to be admitted to the parties that the impugned order was pronounced on 23rd April 2026. Therefore, the limitation would commence from the next day i.e. 24th April 2026, and by this day, the 30th day would fall on 23rd May 2026. It also appears to be admitted that 23rd May 2026 was 4th Saturday and 24th May 2026 was Sunday, and on both these days the office of the NCLAT was closed. It is also an admitted fact that the appeal has been e-filed on 9th June 2026. Now, the only controversy between the parties appears to be as to whether the 4th Saturday, which had fallen on 23rd May 2026 (which was the 30th day of the limitation), and Sunday, which had fallen on 24th May 2026, may be excluded from computing the limitation.

15. Section 61 of the IBC so far it relates to the limitation is reproduced as under;

> *"Section .61 – Appeals and Appellate Authority*
>
> *(1) ….*
>
> *(2) Every appeal under sub-section (1) shall be filed within thirty days before the National Company Law Appellate Tribunal:*
>
> *Provided that the National Company Law Appellate Tribunal may allow an appeal to be filed after the expiry of the said period of thirty days if it is satisfied that there*

> *was sufficient cause for not filing the appeal but such period shall not exceed fifteen days."*

16. Section 4 of the Limitation Act, 1963 is important and its relevant part is also reproduced as under;

> *"Section 4 – Expiry of prescribed period when court is closed.*
>
> *Where the prescribed period for any suit, appeal or application expires on a day when the court is closed, the suit, appeal or application may be instituted, preferred or made on the day when the court reopens."*

17. Rule 3 of the NCLAT Rules, 2016, also reads as under:

> *"3. Computation of time period-*
>
> *Where a period is prescribed by the Act and these rules or under any other law or is fixed by the Tribunal for doing any act, in computing the time, the day from which the said period is to be reckoned shall be excluded, and if the last day expires on a day when the office of the Tribunal is closed, that day and any succeeding days on which the Tribunal remains closed shall also be excluded."*

18. Ld. Counsel for the Appellant has relied on ***Tata Steel Ltd. v. Raj Kumar Banerjee and Ors., (2025) ibclaw.in 177 SC.*** The facts of the ***Tata Steel Ltd. (Supra)*** have been captured in paragraph No. 9, which is reproduced as under: -

> *"**9.** In the present case, Respondent No. 1 e-filed appeal along with an application for condonation of delay before the NCLAT on 23.05.2022 and physically filed the same on 24.05.2022. The NCLAT allowed the application for condonation of delay by the order impugned herein. The appellant challenged the maintainability of the appeal on*

> *the ground that it was filed beyond the 45-day period prescribed under section 61(2) IBC – comprising a 30-day limitation period and a further 15-day condonable period – and was, therefore, time-barred. Whereas, according to Respondent No.1, although the resolution plan was approved by the NCLT on 07.04.2022, the intimation of the said approval was given to the listing departments of the BSE and NSE only on 08.04.2022; and he became aware of the approval on that date, as he was not a party to the petition filed under section 7 IBC. Accordingly, the 30-day limitation period for filing the appeal commenced on 08.04.2022 and was set to expire on 08.05.2022. However, since 08.05.2022 was a Sunday, by virtue of Section 4 of the Limitation Act, 1963, the prescribed period was extended to the next working day i.e., 09.05.2022 (Monday). Thereafter, the additional grace period of 15 days for seeking condonation of delay, as permitted under the proviso to Section 61(2) IBC expired on 24.05.2022. As Respondent No. 1 physically filed the appeal along with the condonation application on 24.05.2022, it was within the statutorily permissible period of 45 days. Hence, the appeal was not barred by limitation. The NCLAT rightly allowed the application seeking condonation of delay in filing the appeal.”*

19. Thereafter the Hon’ble Supreme Court noted that Section 238A IBC makes the Limitation Act, 1963 applicable, as far as may be, to proceedings and appeals before the Adjudicating Authority and the NCLAT and after considering Sections 4 of the Limitation Act and Rule 3 of the NCLAT Rules, 2016 observed that these provisions show that the benefit of Section 4 and Rule 3 extends the limitation period to the next working day if the prescribed period expires on a holiday and relying on ***Assam Urban Water Supply & Sewerage Board v. M/s. Subash Projects & Mktg. Ltd., Sagufa Ahmed and Others v. Upper Assam Plywood Products (P) Ltd. & Others, Bhimashankar Sahakari Sakkare Karkhane Niyamita v. Walchandnagar Industries Limited, and My Preferred Transformation & Hospitality Pvt. Ltd. and Another v. Faridabad Implements Pvt. Ltd.,***

the Court held that the expression “prescribed period” in Section 4 refers only to the period of limitation(30 days) and not to the additional period (15 days) that may be extended by the court or tribunal in exercise of its discretion. It is stated that the benefit of exclusion of the period during which the court is closed is available when the application is filed within the prescribed period of limitation (30 Days) and is not available in respect of the extendable condonable period of 15 days and thus, held as under;

> *“**10.4.** In the present case, Respondent No. 1 was neither a party to the proceedings before the NCLT nor privy to the CoC deliberations, and became aware of the order only upon its subsequent disclosure. However, it is evident that the Company Secretary of the Corporate Debtor duly informed the listing departments of both NSE and BSE about the NCLT order dated 07.04.2022 within 30 minutes of its pronouncement. Hence, the limitation period for filing the appeal commenced on 07.04.2022 and expired on 07.05.2022. Notably, 07.05.2022 fell on the first Saturday of the month, which is a working day for the Registry of the NCLAT. Even otherwise, the benefit of section 4 of the Limitation Act, 1963 cannot be granted, as Respondent No. 1 filed the appeal beyond not only the prescribed period of 30 days but also the condonable period of 15 days, i.e., on 24.05.2022. In view of the same reason, Rule 3 of the NCLAT Rules, 2016 has also no application to the facts of the present case. Thus, applying the principles laid down in the decisions referred to above, we arrive at the irresistible conclusion that Respondent No. 1 filed the appeal beyond the statutory maximum period of 45 days prescribed under section 61(2) IBC. Accordingly, the first issue is answered by us.”*

20. It is evident that the facts of this case were distinguishable from the facts of the case at hand. In the Tata Steel, Hon’ble Supreme Court found that although Respondent No. 1 was not a party before the NCLT and claimed knowledge later, the materials showed that the Company Secretary of the Corporate Debtor informed the listing departments of NSE and BSE

about the NCLT order dated 07.04.2022 within 30 minutes of its pronouncement. Accordingly, the Court held that the limitation period for filing the appeal commenced on 07.04.2022 and expired on 07.05.2022. The Court noted that 07.05.2022 was the first Saturday of the month and a working day for the Registry of the NCLAT, therefore it was held that, in any event, the benefit of Section 4 of the Limitation Act could not be granted because Respondent No. 1 filed the appeal on 24.05.2022 beyond not only the prescribed 30 days but also the condonable 15-day period; for the same reason, Rule 3 of the NCLAT Rules also had no application and on this basis, the Court reached to the conclusion that Respondent No. 1 had filed the appeal beyond the statutory maximum period of 45 days prescribed under Section 61(2) IBC. Thus the 30th day in that case had fallen on the day which was not a holiday therefore Section 4 of the Limitation Act was not found applicable.

21. As stated earlier in the case at hand the 30th day had fallen on the day which was 4th Saturday followed by Sunday and both these days were holidays, so far as NCLAT is concerned and keeping in view the Section 4 of the Limitation Act and Rule 3 of the NCLAT Rules the two days would be excluded from computation of the limitation, and after exclusion of these two holidays from computation of limitation the 30th day would fall on 28th May 2026 and 15 days discretionary period will be available till 09.06.2026.

22. A Co-ordinate Bench of this Appellate Tribunal in identical factual position in ***BSE Ltd. vs. Mrudula Brodie and Ors, (2025) ibclaw.in 144 NCLAT*** framed following issues for consideration;

***"10.** From the submissions of learned Counsel for the parties, the following are the questions, which need to be answered:*

(1) Whether, when the condonable period of 15 days, as prescribed under Section 61(2) of the proviso, is falling on a day, on which the Appellate Tribunal is closed, whether the condonable period shall stand extended upto the date when Court re-opens?

(2) Whether for computing the 30 days' period for filing the Appeal under Section 61, the limitation of 30 days' period expiring on a day on which Tribunal is closed for, the period shall be excluded upto the period on which Tribunal re-opens, for computation of 30 days' period for filing of the Appeal."

(3) ....

(4) ....

This Appellate Tribunal after discussing various authorities with regard to the interpretation of "prescribed period" and relevant sections of Limitation Act and NCLAT Rules came to the following conclusion;

*"**22.** We, thus, are of the view that judgment of this Tribunal in in **State Bank of India vs. Darwin Platform Infrastructure Ltd. & Ors.** (supra) cannot be said to be an obiter with regard to Question No. ii, which (Question No. ii) was specifically considered and decided. Hence, the ratio laid down by this Tribunal in **State Bank of India vs. Darwin Platform Infrastructure Ltd. & Ors.,** is a ratio, with which we are bound and have to follow. We, thus, are of the view that Question No.1 need to be answered holding that 15 days' condonable period, even if it is coming to an end on a day, when the Tribunal is closed, the benefit of Rule 3 or Section 4 of the Limitation Act cannot be extended."*

23. The second issue framed by the Coordinate bench is important for us and the same has been discussed and answered as under;

"24.** We have extracted the provision of Section 4 of the Limitation Act, which contains heading "Expiry of prescribed period when court is closed". The provision provides that where the prescribed period for any suit or* *appeal or application expires on a day when the court is closed, the suit, appeal or application may be instituted, preferred or made on the date when the court re-opens. Rule 3 of the NCLAT Rules specifically provides that in computing the time, the day from which the said period is to be reckoned shall be excluded, and if the last day expires on a day when the office of the Appellate Tribunal is closed, that day and any succeeding day on which the Appellate Tribunal remains closed shall also be excluded. When we read Rule 3 of the NCLAT Rules, it clearly provides that when the last date expires on a day when the office of the Appellate Tribunal is closed, that day and any succeeding day on which the Appellate Tribunal remains closed shall also be excluded. The submission raised by the learned Counsel for the Respondent that when the last date of limitation, i.e. 30th day in the present case falls on a day when the Appellate Tribunal is closed, that cannot be excluded, is clearly contrary to the express provision of Rule 3. In the facts of the present case, the order was passed on 31.07.2024 and by giving benefit of two days for certified copy, 30th day when limitation was expiring shall be 01.09.2024. 31st August, 2024 and 1st September, 2024 being Saturday and Sunday, the Appeal could have been filed on 02.09.2024, which was the day when the Appellate Tribunal was to re-open. The judgment of* ***Raj Kumar Banerjee vs. Supriyo Kumar Chaudhuri – (2022) SCC OnLine NCLAT 1592 *was relied by the Appellant, which was a case where 30 days' period expired on Saturday and Sunday, when the Court was closed. In paragraph 7, this Tribunal has noted Section 4 of the Limitation Act and Rule 3 of the NCLAT Rules and in paragraphs 7 to 10, held following:*

"7. Law is well settled that the period of limitation commences from the date when the Order is pronounced by the Tribunal. In this context, reference is made to the Judgement of Hon'ble Supreme Court in the matter of ***"V. Nagarajan Vs. SKS Ispat and Power Limited & Ors." [(2022) 2 SCC 244]****. We thus have to first find out that when 30 days period of limitation which is the last date for filing the Appeal, expires. Order having been passed on 07th April, 2022, 30 days period is to expire on 07th May, 2022. 07th and 08th May, 2022 are the dates being Saturday and Sunday and on these days, the Court was closed hence last date for filing the Appeal was 09th May, 2022 as 07th and 08th May, 2022 were holidays.*

8. Section 4 of the Limitation Act, 1963 as well as Rule 3 of the NCLAT Rules, 2016 provide that when the Court is closed, the Appeal can be filed when court reopens. Section 4 of the Limitation Act is as follows:

> *"4. Expiry of prescribed period when Court is closed. – Where the prescribed period for any suit, appeal or application expires on a day when the Court is closed, the suit, appeal, or application may be instituted, preferred or made on the date when the Court re-opens.*

Explanation. - A Court shall be deemed to be closed on any day within the meaning of this section if during any part of its normal working hours it remains closed on that day."

9. Rule 3 of the NCLAT Rules, 2016 is as follows:

"3. Computation of time period. - Where a period is prescribed by the Act and these rules or under any other law or is fixed by the Appellate Tribunal for doing any act, in computing the time, the day from which the said period is to be reckoned shall be excluded, and if the last day expires on a day when the office of the Appellate Tribunal is closed, that day and any succeeding day on which the Appellate Tribunal remains closed shall also be excluded"

10. 09th May, 2022 being the last day when 30 days period of limitation came to an end and the Appeal having been e-filed on 23rd May, 2022 whether the delay is 15 days or more, is question to be answered. 09th May, 2022 being the last date of limitation, 10th May, 2022 will be the first day from which date 15th Days period has to be reckoned. 15th Day from 10th May, 2022 will be 24th May, 2022, the Appeal being e-filed on 23rd May, 2022, the delay has to be treated to be filed within the period of 15 days from the expiry of the Limitation."

25. *The above judgment fully supports the submission of the Appellant that when 30 days period was expiring on 7th May and 8th May being holiday, the last date for filing the Appeal would be 9th May, 2022. In the present case, applying the said analogy, 01.09.2024 being the last day and 31st August, 2024 and 1st September, 2024 being Saturday and Sunday, the Appeal could have been filed by 02.09.2024. The aforesaid two days, i.e. 31st August, 2024 and 1st September, 2024 has to be excluded by virtue of Rule 3."*

34. *In view of the foregoing discussions, we are of the considered opinion that by virtue of Rule 3 of the NCLAT Rules, 2015, when last date for period of computation of limitation is falling on a day when office of the Tribunal is closed, the said period shall be excluded. Thus, in the present case, 30.08.2024, which was the 30th day for filing the Appeal and by giving two days for certified copy, 30th day will be 01.09.2024 and 31st August 2024 and 1st September, 2024 being Saturday and Sunday both the days have to be excluded for computing the period of 30 days of limitation. Hence, the last day for filing of the Appeal shall be 01.09.2024 [in Company Appeal (AT) (Ins.) No.1862 of 2024].*

35. *We, thus, answer Question No.2 holding that for computing 30 days period for filing the Appeal under Section 61, if the office of the Tribunal is closed on the 30th day, the period shall extend upto the date on which the Tribunal re-opens."*

*"**36.** Whether the application filed for condonation of delay is within the condonable period, is the first question to consider. The order was passed on 31.07.2024. The limitation shall commence from 01.08.2024 and 30 days would expire on 01.09.2024, by giving benefit of two days for certified copy. 31st August, 2024 being Saturday and 01.09.2024 being Sunday, 02.09.2024 will be the date on which limitation shall expire. We have further noticed that application for certified copy was submitted on 07.08.2024 and copy was delivered on 08.08.2024. Hence, two days are to be excluded while computing 30 days. By excluding two days, the 30 days period for filing the Appeal shall be expiring on 02.09.2024 and the Appeal having been filed on 17.09.2024, cannot be held to be beyond condonable period. The computation of 15 days shall commence from 02.09.2024 and 15th day will expire on 17.09.2024, on which date the Appeal was filed. Thus, the Appeal was filed within condonable period of 15 days. We have also held that 30 days period when expiring on a day when the Court is closed, the said period also be excluded while computing the period of limitation………"*

(Emphasis Supplied)

24. A three-member Bench of this Appellate Tribunal in **State Bank of India v. Darwin Platform Infrastructure Ltd. and Ors., (2024) ibclaw.in 152 NCLAT** framed following questions for consideration;

> *"**12.** Thus, we need to answer two following questions: –*
>
> *i. Whether the Appeal have been filed on 15th day after expiry of limitation or it was filed after expiry of 15 days of condonable period?*
>
> *ii. Whether in event Appeal is filed on 15th day after expiry of the limitation and the day being holiday the appeal can be presented on the day when court reopens?"*

25. The Co-ordinate Bench after extensively discussing the various authorities and relevant provisions held as under;

> *"**39.** The ratio of the Judgments of the Hon'ble Supreme Court in Assam Urban Water Supply and Bhimashankar Sahakari Sakkare Karkhane Niyamita are fully applicable in the present case and relying on the said judgment we can safely hold that the extended period of 15 days as provided in Section 61(2) proviso of the Code is not the prescribed period for limitation and the benefit of Section 4 is attracted only when last date of the limitation falls on Holiday."*
>
> ***41.** We may also refer to a Judgment of this Tribunal in I.A. No. 3349 of 2022 in C.A.(At) Ins. No. 1124 of 2022, **Isolux Corsan India Engineering & Constructions Pvt. Ltd. through its Liquidator, CA Rajeev Bansal Vs. Shailesh Verma, Erstwhile Resolution Professional of South East UP Power Transmission Company Ltd. & Ors.** where the contention raised claiming benefit of 45th day being public holiday. The Appeal could have been filed after the court reopened and the same was rejected. The facts of the case have been noticed in paragraph 3 to 8. Relevant facts have been noticed in paragraph 8. This tribunal considered and rejected the above submission and held that prescribed period of limitation being 30 days and not the 45 days. Paragraph 10 of the judgment is reproduced as under:*

"10. The Limitation as prescribed by Section 61(2) is 30 days. Under proviso, the Appellate Tribunal may allow an Appeal to be filed after said period of 30 days if it is satisfied that there is sufficient cause for not filing the Appeal but such period shall not exceed 15 days. When we look into Section 4 of the Limitation Act, 1963, the prescribed period for filing an Appeal when expires on a day when the Court is closed, the Appeal can be instituted when the Court reopens. Thirty-Days period for filing the present Appeal against the Order dated 15th June, 2022 expired on 15th July, 2022. It is not the case that Court was closed on 15th July, 2022. According to the Appellant 46th and 47th Day i.e. 30th and 31st July were holidays. For purposes of extending the benefit of Section 4 of the Limitation Act, the Limitation has to be expired on the date when Court is closed, present is not a case where the Limitation expired on a date when the Court was closed since limitation is of 30 days and not 45 days. The power to condone the delay of 15 days is exercised by this Tribunal under proviso to Section 61(2) of the Code but it cannot be said that period for limitation is 45 days. Thus the present is not a case where benefit of Section 4 can be extended."

42. *In view of the above discussion, we are of the view that the submission advanced by Ld. ASG that 07th September, 2023 being public holiday, appeal filed on 07th September, 2023 is within 45 day cannot be accepted. As observed above the Judgments of the Hon'ble Supreme Courts in Assam Urban Water Supply and Bhimashankar Sahakari Sakkare Karkhane Niyamita are fully attracted and we are bound by the Judgment of the Hon'ble Supreme Court and following the Judgment, we reject the submission of the Appellant that benefit of holiday on 07th September, 2023 should be extended to the Appellant and the Appeal has to be treated within time."*

26. From the aforesaid precedents it is clear that the benefit of section 4 of the Limitation Act could only be claimed if the last day of prescribed limitation i.e. 30th day is falling on a holiday and the said benefit would not be available to a case where the last day is of the 15 days condonable period, beyond stipulated limitation provided of 30 days.

27. Coming to the facts of this case it is clear that the judgment by the Ld. Adjudicating Authority was pronounced on 23 April 2026, the limitation starts from the next day i.e. 24 April and by this day the 30th day would fall on 23 May 2026 which was fourth Saturday of the month and is a non-working/holiday for the NCLAT and the following day i.e. 24 May 2026 was Sunday, therefore these two days are excluded in view of the law laid down by this Appellate Tribunal in the above mentioned cases and after exclusion of these two holydays the 30th day would now fall on 25 May 2026 and by this day the 15th days of condonable period would end on 9 June 2026. Thus, the appeal has been filed on the 45th day of limitation and thus within the 15 days' condonable jurisdiction of this Appellate Tribunal.

28. We are of the considered view that the 15 days' condonable period could only be condoned by this Appellate Tribunal if there are sufficient reasons and the delay has been sufficiently explained. The main reason which has been provided by the appellant is, that the impugned judgment though was pronounced on April 23, 2026 but the judgment was uploaded on the website of the Learned Adjudicating Authority on 21 May 2026. Therefore, the detailed reasons recorded by the Learned Adjudicating Authority were not available to the Appellant for a substantial part of the limitation period. Attention of this Appellate Tribunal has been drawn towards the status report of the case, wherein the date of uploading of the impugned judgment/ order is shown as 21/5/2026.

29. In our considered opinion non availability of the judgment for a substantial period of time though may not be relevant for determination of

starting point of limitation as the same will commence from the next day when the judgment was pronounced but this fact may be sufficient for condoning the delay.

30. Thus, for the reasons given above we are of the considered view that the delay of 15 days which has occurred in filing of this appeal has been sufficiently explained. Thus, the delay of 15 days which has occurred in filing the appeal is hereby condoned and the application is **allowed**.

31. List on **09.09.2026** as Fresh Case.

[Justice Mohammad Faiz Alam Khan]
Member (Judicial)

[Naresh Salecha]
Member (Technical)

New Delhi
27.08.2026
sr