

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

CA (AT) No. 257 of 2026

&

I.A. No. 4717 of 2026

IN THE MATTER OF:

Lakshmirattan Cotton

...Appellant(s)

Versus

Vivek Gupta & Anr.

...Respondent(s)

Present:

For Appellant(s) : Mr. Iswar Mohapatra, Advocate.

For : Mr. Vishwanathan Iyer, Advocate.

Respondent(s)

O R D E R
(Hybrid Mode)

25.08.2026: **I.A. No. 4717 of 2026-** Heard Ld. Counsel for the Appellant/Applicant as well as Ld. Counsel appearing for the Respondent and perused the record.

The instant application has been moved with the prayer to condone the delay of 44 days which has occurred in filing the appeal.

Ld. Counsel for the appellant while drawing our attention towards the application for condonation of delay as well as the additional affidavit filed on 24.08.2026 submits that at first the cousin brother of the Counsel for the appellant had died in 19.05.2026 and for his last rites the Counsel for the Appellant had to rush to his native place at Odisha and remained there for quite some time and after returning was indulged in some other urgent matters of the other clients and thereafter the appeal was prepared and was

sent to the appellant for getting instructions etc. and thereafter the same was filed and i.e. it is due to this reason the delay of 44 days had occurred.

It is further submitted that there was no other family member of the deceased Shri Debasish Mohapatra except his old widow mother of about 80 years of age and that is why he had to remain there for quite some time in order to console the family.

Ld. Counsel for the Applicant has also highlighted the Diagnostic report/MRI report of the deceased Shri Debasish Mohapatra of date 12.03.2026 as well as a letter of recommendation written by Deputy Secretary to Minister of Housing and Urban Development Government of Odisha to Superintendent, AIIMS Bhubaneswar dated 20.04.2026 for admission of late Shri Debasish Mohapatra (the cousin brother of the Counsel for the Appellant/Applicant).

It is submitted that it is only and only due to this bereavement in his family the Counsel for the Appellant could not file the appeal and thus the client should not be penalised for the reasons attached with the Counsel. Thus, it is prayed that the delay of 44 days occurred in filing the appeal may kindly be condoned.

Ld. Counsel for the Respondent on the other hand submits that the ground which has been taken by the appellant/applicant for condonation of delay of 44 days is not substantiating from the record.

It is highlighted that the MRI report is of 12.03.2026 while the impugned order has been passed on 26.03.2026 it is also submitted that there is material contradiction in the grounds taken by the Appellant in the additional affidavit vis a vis the delay condonation application therefore the delay has not been properly explained and the application is liable to be dismissed.

We have heard Ld. Counsel for the parties and perused the record.

The documentary evidence placed before us through the additional affidavit and the contention of the appellant in the delay condonation application as well as in the additional affidavit prima facie establishes that the cousin brother of the Counsel for the Appellant was under serious ailment since March, 2026 and was ultimately died in May, 2026.

It is contended by Ld. Counsel for the Appellant that it is only and only for this reason he remained for a long time and his native place in Odisha and therefore the appeal could not be filed.

Thus having regard to all the facts and circumstances of the case, we are satisfied that the delay which has occurred in filing the appeal i.e. of 44 days has been sufficiently explained and in view of this the application filed by the appellant for condonation of delay is allowed and the delay of 44 days occurred in filing the appeal is hereby condoned.

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Having heard Ld. Counsel for the parties, we are of the view that matter requires consideration.

The notice on behalf of the Respondents has been received by Mr. Vishwanathan Iyer. He prays for and is granted two weeks' time to file reply with an advance copy to Ld. Counsel for the Appellant who in turn if so wish may file rejoinder within one week thereafter.

List on **24.09.2026** under the caption 'For Admission (After Notice)'.

[Justice Mohammad Faiz Alam Khan]
Member (Judicial)

[Naresh Salecha]
Member (Technical)

sr/mr