

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL**  
**PRINCIPAL BENCH, NEW DELHI**  
**Company Appeal (AT) No. 225 of 2022**  
**&**  
**I.A. No. 4767 of 2022**

**IN THE MATTER OF:**

**Alok Kumar Goel**  
**Versus**

**...Appellant**

**Union of India**  
**Ministry of Corporate Affairs**  
**Through Regional Director (Northern Region)**

**...Respondent**

**Present:**

**For Appellant** : Mr. Krishnendu Datta, Sr. Advocate with Mr. Karan Gandhi, Ms. Varsha Himatsingka, Advocates  
**For Respondent** : Ms. Chetna Kandpal, Company Prosecutor for RDCNR, MCA

**ORDER**

**19.07.2023:** The present appeal has been preferred against an order which was passed long back on 21.04.2022 by National Company Law Tribunal, New Delhi, Principal Bench in CP. No. 62/224/PB/2022. Since the appeal was filed much belatedly, the Appellant also filed an Interlocutory application vide I.A. No. 4767 of 2022 for condonation of delay in filing the appeal. In paragraph 1 it has been indicated that 142 days delay has occurred in filing the appeal. Statutorily, after expiry of total period of 90 days this Tribunal is not competent to condone the limitation. However, a plea has been taken that the appellant came to know about the order only on 15.10.2022 when he received the e-mail from NSDL. According to Mr. Datta, Ld. Sr. Counsel for the Appellant though in limitation petition it has been indicated that delay of 142 days has occurred, but fact remains that the appeal was filed within time.

In this case, reply has already been filed on behalf of Union of India, Ms. Chetna Kandpal, Ld. Company Prosecutor submits that the same impugned order was earlier assailed in number of appeals, however this tribunal has not interfered in any of the appeal, considering the fact that the appellants were required to approach before the NCLT itself instead of approaching this tribunal. She submits that since in other appeals arising out of the same impugned order this tribunal has declined to interfere and only granted the liberty to approach the NCLT, in this appeal also there is no reason to interfere with the impugned order. She further submits that the appeal is also fit to be rejected on the ground of limitation. She has also referred to the statement made in paragraph 5 of the Reply Affidavit which is quoted herein below:

*"5. The appeal has been filed on 15.12.2022 before Hon'ble NCLAT by the appellant. The Appellant filed the instant appeal against the order dated 21.04.2022 after a delay of more than 230 days. That the appeal has been filed on 15.12.2022 before the Hon'ble NCLAT after lapse of period specified in the Act. Section 421 of the Companies Act, 2013 inter-alia reads as under:*

*"Section 421. Appeal from orders of Tribunal.*

*(1) Any person aggrieved by an order of the Tribunal may prefer an appeal to the Appellate Tribunal.*

*(2) No appeal shall lie to the Tribunal from an order made by the Tribunal with the consent of parties.*

***(3) Every appeal under sub-section (1) shall be filed within a period of forty-five days from the date on which a copy of the order of the Tribunal is made available to the person aggrieved and shall be in such form, and accompanied by such fees, as may be prescribed:***

*Provided that the Appellate Tribunal may entertain an appeal after the expiry of the said period of forty-five days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within that period."*

*Even if the contention of the Appellant is considered for a moment that the order of 21.04.2022 came to his knowledge on 15.10.2022, even then the Appellant took sixty days to file the appeal against the order of 21.04.2022, which is beyond the limitation of forty-five days for filing an appeal as mentioned above. The reason for each day of delay by the Appellant after knowledge has not been explained. The Appellant has failed to show sufficient cause for delay in filing the instant appeal beyond 45 days. Hence, the Appellate Tribunal may not entertain this appeal on the ground of delay in filing the same".*

In rejoinder, Mr. Datta, Ld. Sr. Counsel for the Appellant submits that even in reply also the Respondent has not disputed the date of knowledge as 15.10.2022 and the appeal, which is evident from the record, was presented before this tribunal on 11.11.2022 and as such he submits as per his knowledge of the impugned order the appeal was filed within time.

According to him though the appeal was filed belatedly from date of order but on the basis of the date of knowledge he has filed the appeal within time. Considering the facts and circumstances particularly the fact that on earlier occasion against the same impugned order appeals were preferred by other parties and this court has not interfered, we propose to condone the delay and observe that in view of earlier orders this appeal can be disposed of.

Accordingly, the present appeal is also disposed of in terms of order dated 04.08.2022 passed in CA (AT) No. 119 of 2022 and other 5 connected appeals as well as order dated 08.08.2022 passed in CA (AT) No. 132 of 2022.

With above observation, the appeal stands disposed of.

**[Justice Rakesh Kumar]**  
**Member (Judicial)**

**[Dr. Alok Srivastava]**  
**Member (Technical)**

sr/gc

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