

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

**I.A. No. 147 of 2026 in
Company Appeal (AT) (Insolvency) No. 39 of 2026**

IN THE MATTER OF:

Alpesh Vasudev Gandhi

...Appellant

Versus

**Vinodkumar S. Shah,
Liquidator of Alps Lesuire Holidays Ltd.**

...Respondent

Present:

For Appellant: Mr. Harjot Singh Kassowal, Advocate.

For Respondent: Mr. Pankaj Jain, Mr. Atul Sharma, Mr. Vinod Kumar S. Shah, Mr. Amir Ariswal and Mr. Yash Jariwala, Advocates for R-1.

With

**I.A. No. 477 of 2026 in
Company Appeal (AT) (Insolvency) No.126 of 2026**

IN THE MATTER OF:

Alpesh Vasudev Gandhi & Ors.

...Appellants

Versus

**Vinodkumar S. Shah
Liquidator of Alps Lesuire Holidays Ltd.**

...Respondent

Present:

For Appellants: Mr. Harjot Singh Kassowal, Advocate.

For Respondent: Mr. Vinod Kumar S. Shah, Advocate for R-1.

ORDER

ASHOK BHUSHAN, J.

These two appeals arises out of the liquidation process of M/s Alps Lesuire Holidays Ltd. Company Appeal (AT) (Ins.) No.39 of 2026 has been

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filed challenging the order dated 22.08.2025 passed in I.A. No.1404 of 2023 filed by the Liquidator, which appeal came to be e-filed on 04.12.2025. There being delay in filing the Appeal, Appellant has filed I.A. No.147 of 2026 praying for condonation of 74 days delay in filing the appeal. Company Appeal (AT) (Ins.) No.126 of 2026 has been filed by the Appellant challenging the order dated 10.10.2025 passed by the NCLT, Delhi Bench, Court No.1 in I.A. No.191 of 2020 filed by the Liquidator. Company Appeal (AT) (Ins.) No.126 of 2026 challenging the order dated 10.10.2025 has been e-filed on 02.12.2025. There being delay in filing the appeal, I.A. No.477 of 2026 has been filed praying for condonation of 16 days delay in filing the Appeal. We had issued notice in the Delay Condonation Applications. Learned counsel for the Liquidator has appeared in both the applications.

2. Learned counsel for the Appellant in support of delay condonation applications in Company Appeal (AT) (Ins.) No.39 of 2026 submits that Appellant was in judicial custody from 13.08.2025 to 30.10.2025 pursuant to the conviction order dated 11.03.2020 passed by the 10th Additional Chief Judicial Magistrate, Rajkot, hence, the Appellant was neither aware of the impugned order nor in a position to apply for its certified copy or seek legal advice. In the application following prayers have been made:

“a. Condone the delay of 74 days in filing the present Appeal for the reason(s) given above; and/or

b. Pass such other or further order(s) as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.”

3. Appellant's case is that on account of Appellant being in judicial custody, he could apply for certified copy on 16.09.2025 and copy was ready on 16.09.2025. It is submitted that Appellant being in judicial custody in case of conviction under Section 38 of the NI Act, the delay in filing the appeal need to be condoned there being sufficient cause on account of judicial custody.

4. In support of delay condonation application filed in Company Appeal (AT) (Ins.) No.126 of 2026, Appellant's case is that he was in judicial custody and was released on bail only on 30.10.2025, after which he could applied for certified copy on 14.11.2025 and received the same on 19.11.2025, hence, 6 days exclusion be granted and there is only 16 days delay. Prayers made by the application are as follows:

“a. Condone the delay of 16 days in filing the present Appeal for the reason(s) given above; and/ or

b. Pass such other or further order(s) as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case”

5. Learned counsel for the Liquidator opposing the submissions of the Appellant made in the Applications for condonation of delay contends that provision for filing an appeal is only for 30 days as per Section 61(2) of the I&B Code and extended period of only 15 days. The applications filed by the Appellant in support of delay in filing the appeal being beyond permissible period cannot be condoned and the delay condonation application need to be rejected.

6. Replying to the delay condonation application I.A. No.147 of 2026 in Company Appeal (AT) (Ins.) No.39 of 2026, it is submitted that order was passed on 22.08.2025 and the appeal has been filed by the Appellant only on 04.12.2025, which is delayed by 74 days, which is beyond condonable period. It is submitted the limitation for filing an appeal commences on the date when the order is delivered and the reason that Appellant was in judicial custody cannot be a reason for extension of period of limitation as permitted by the statute.

7. Opposing I.A. No.477 of 2026 in Company Appeal (AT) (Ins.) No.126 of 2026, learned counsel for the Liquidator submits that when the copy of the appeal was first received by the Liquidator, there were 6 Appellants, however on the pretext of removing defects, the Appellant has deleted other Appellants and has filed Appeal showing only one Appellant i.e. Alpesh Vasudev Gandhi. The judicial custody of one of the Appellant – Alpesh Vasudev Gandhi in no manner inhibited filing of appeal within the prescribed period. Delay being beyond the condonable period, delay condonation application deserves to be rejected.

8. We have considered the submissions of learned counsel for the parties and perused the record. According to own case of the Appellant, delay in filing the appeals are beyond condonable period. In Company Appeal (AT) (Ins.) No.39 of 2026 prayer is to condone delay of 74 days and in Company Appeal (AT) (Ins.) No.126 of 2026 prayer is to condone delay of 16 days.

9. In Company Appeal (AT) (Ins.) No.39 of 2026, from the certified copy of the impugned order it is clear that copy was applied on 16.09.2025 whereas order was passed on 22.08.2025. Thus, the certified copy was applied on behalf of the Appellant on 16.09.2025 during which period the Appellant was in judicial custody. The mere fact the Appellant was in judicial custody cannot preclude a person in judicial custody to exercise his statutory right of filing an appeal or other pleadings. Period for filing an appeal against an order commences when an order is delivered and there cannot be extension of statutory period for particular period during which Appellant was in judicial custody. Judicial custody may be a case for explaining delay in filing the appeal but the applications have been filed beyond the condonable period. The factum of Appellant being in judicial custody during 23.08.2025 to 30.10.2025 cannot be any reason for condoning delay which is beyond the condonable period.

10. As noted above, in both the above Appeals the Appellant has applied for certified copy. In Company Appeal (AT) (Ins.) No. 39 of 2026, certified copy was applied on 16.09.2025 i.e. within the period of 30 days' from delivery of the order and in Company Appeal (AT) (Ins.) No.126 of 2026, certified copy was applied on 14.11.2025 and impugned order was passed on 10.10.2025. Application made on 14.11.2025 was beyond 30 days, hence, Appellant was not entitled for exclusion of period taken for preparation of certified copy of the impugned order. Hence, in Company Appeal (AT) (Ins.) No.126 of 2026, delay is not only 16 days but 21 days.

11. This Tribunal under Section 61(2) proviso has jurisdiction to condone the delay of only 15 days. The delay in both the appeals being beyond the condonable period of 15 days, application praying for condonation of delay cannot be allowed. In result, both the applications I.A. No.147 of 2026 and I.A. No.477 of 2026 praying for condonation of delay are rejected. Memo of Appeals are also rejected.

[Justice Ashok Bhushan]
Chairperson

[Barun Mitra]
Member (Technical)

NEW DELHI

27th March, 2026

Archana