NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Insolvency) No. 1720 of 2026
& I.A. No. 6524 of 2026

IN THE MATTER OF:

Anil Khandelwal & NOIDA Holdings Pvt. Ltd. (in Consortium) ...Appellant(s)
Through its Authorised signatory Mr. Manohar Devji Chavan
Having address at: D-16, Sector 41, Gautam Buddha Nagar, Noida, Uttar Pradesh-201301.

Versus

1. Committee of Creditors of Technofab Engineering Limited. ...Respondent(s)
Having address at: 163, Balco Apartments, Plot No. 58, IP Extension, New Delhi.

2. Mr. Atul Mittal
(Resolution Professional for Technofab Engineering Limited.)
Having address at: 163, Balco Apartments, Plot No. 58, IP Extension, New Delhi.

Present:

For Appellant : Mr. Abhijeet Sinha, Sr. Advocate with Ms. Surbhi Sharma and Mr. Ishan Saxena, Advocates.

For Respondents : Mr. Sumesh Dhawan, Mr. Karan Gandhi, Mr. Sagar Thakkar, Ms. Khyati Khemka and Ms. Riya Jain, Advocates for R-2.

Mr. Gaurav Mitra, Sr. Advocate with Mr. Anupam Singh and Ms. Aishwarya, Advocates.

J U D G M E N T
(Hybrid Mode)

[Per: Ajai Das Mehrotra, Member (Technical)]

This appeal has been filed by the Appellant -Resolution Applicant against the impugned order dated 17.07.2026 passed by the Ld. NCLT, New

Delhi Special bench (Court-II), wherein IA No. 62/ND/2025 seeking approval of the resolution plan was rejected.

2. I.A. No. 6524 of 2026 is filed by the Applicant/Appellant seeking condonation of delay of 14 days in filing the present appeal.

3. I.A. No. 6525 of 2026 is filed by the Applicant/Appellant seeking exemption from filing certified copy of the impugned order dated 17.07.2026.

4. The Ld. Sr. Counsel for the Applicant/Appellant in his oral and written submissions stated that applications for condonation of delay and exemption from filing certified copy may be allowed.

4.1 It is argued that the appeal has been filed on 29.08.2026 which was the 44th day from the date of the impugned order, along with the I.A. No. 6524 seeking condonation of delay and it is within the condonable period of 15 days.

4.2 It is stated that reasons for delay were change in the Counsel of the Appellant and the temporary unavailability of the authorised signatory. It is argued that substantive rights of the Appellant ought not to be defeated for a delay which is non-deliberate.

4.3. It is argued that no extension of limitation is being sought under the pretext of obtaining the certified copy of the impugned order. The certified copy of the impugned order has been placed along with the Rejoinder on behalf of the Applicant in I.A. No. 6525 of 2026 on 28.09.2026.

4.4 It is argued that no prejudice will be caused to any of the parties if the present applications are allowed and the appeal is decided on merits. It is argued that non-filing of the certified copy of the impugned order is a curable defect which does not make the appeal *non-est* or liable to be dismissed at the first instance. The said defect has already been cured and the certified copy of the impugned order is placed on record while the application for condonation of delay is pending for disposal. The requirement of having applied for the certified copy of the impugned order within the prescribed period arises only where the appeal itself is filed beyond the period where exclusion of time is requested. In the present case, no exclusion of time is requested.

5. The Ld. Counsel appearing for the Respondent vehemently objected to allowing the I.A. Nos. 6524 and 6525 of 2026. It is argued that the impugned order was passed on 17.07.2026 and the condonable period expired on 31.08.2026, being the 45th day from the date of passing of the impugned order. However, the application for obtaining certified copy of the impugned order was filed online on 21.09.2026, being the 66th day from the passing of the impugned order.

5.1 It is argued that as the applicant applied for the certified copy for the first time on 66th day, the applicant violated Rule 22(2) of NCLAT Rules, 2016 which mandates that every appeal should be accompanied by a certified copy of the impugned order. It is argued that not applying for a certified copy within the period of 45 days has made the appeal *non-est.* The defect of not filing the certified copy, and not applying for it within the period of 45 days goes to the

root of the institution of the appeal and the defect cannot be cured by an exemption under Rule 14.

5.2 It is argued that both the I.A. Nos. 6524 and 6525 of 2026 deserve to be dismissed, and consequently, the appeal is also liable to be dismissed.

6. Heard. Perused the records with the able assistance of the Ld. Counsels.

6.1 The relevant dates in this case are not in dispute. The impugned order was pronounced on 17.07.2026 and the appeal was e-filed on 29.08.2026 which is the 44th day from the date of pronouncement of the order. It is not in dispute that the appeal was not accompanied by a certified copy of the impugned order.

6.2 I.A. No. 6524 of 2026 and I.A. No. 6525 of 2026 were taken up on 16.09.2026 and thereafter on 17.09.2026 when replies on the IAs were called for. The Appellant/Applicant filed online application for obtaining the certified copy of the impugned order only after this, on 29.09.2026, which is the 66th day from the date of pronouncement of the impugned order.

6.3 The Appellant/Applicant has stated that it had initially tried to obtain certified copy through offline mode. No evidence regarding this effort has been furnished and we are thus unable to accept this plea.

7. Before proceeding further it shall be beneficial to extract the relevant provisions of NCLAT Rules, 2016 regarding the presentation of appeal and authority of this Tribunal to grant exemption, as under:

"Power to exempt

14. *The Appellate Tribunal may on sufficient cause being shown, exempt the parties from compliance with any requirement of these rules and may give such directions in matters of practice and procedure, as it may consider just and expedient on the application moved in this behalf to render substantial justice.*

.....

Presentation of appeal

22. *(1) Every appeal shall be presented in Form NCLAT-1 in triplicate by the appellant or petitioner or applicant or respondent, as the case may be, in person or by his duly authorised representative duly appointed in this behalf in the prescribed form with stipulated fee at the filing counter and non-compliance of this may constitute a valid ground to refuse to entertain the same.*

(2) Every appeal shall be accompanied by a certified copy of the impugned order.

(3) All documents filed in the Appellate Tribunal shall be accompanied by an index in triplicate containing their details and the amount of fee paid thereon.

(4) Sufficient number of copies of the appeal or petition or application shall also be filed for service on the opposite party as prescribed.

(5) In the pending matters, all thereof in advance on the opposite side or his advocate or authorised representative.

(6) The processing fee prescribed by the rules, with required number of envelopes of sufficient size and notice forms as prescribed shall be filled along with memorandum of appeal."

(Emphasis supplied)

8. The appeal has been filed under the provisions of Section 61 of the IBC, 2016. The relevant sub-section (2) of Section 61 reads as under:

"61. Appeals and Appellate Authority

....

(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."

(Emphasis supplied)

9. A plain reading of the provisions extracted above shows that an appeal against the order of Ld. NCLT has to be filed within 30 days and this Tribunal has the authority, if it is satisfied there was sufficient cause for not filing the appeal in time, to extend the period further by 15 days but no more. The outer limit for filing an appeal under the IBC, 2016, including the condonable period, is thus 45 days. In the present case, the appeal was filed on the 44th day though it was not accompanied with the certified copy of the impugned order.

10. We now look at the judicial guidelines on the controversy in question. The Hon'ble Supreme Court in *Civil Appeal No. 7882 of 2023* recently vide judgment dated 14.10.2026 in the case of *The Assistant Commissioner of Central Tax, CGST Division v. Sreenivasa Rao Ravinuthala and another* has observed as under:

"8. *In V. Nagarajan (supra), this Court considered the scheme of the IBC and, in parallel, examined the applicability of the provisions of the Act, 1963 to the IBC. Instead of culling out the excerpts, we will paraphrase the ratio of V. Nagarajan (supra) as follows:*

A. *The IBC is an exhaustive, self-contained code. By virtue of the non-obstante clause in Section 238 of the IBC, its provisions prevail over any inconsistencies with other statutes. While Section 238-A of the IBC applies the provisions of the Act, 1963 "as far as may be", this is subject to Section 29(2) of the Act, 1963. Where a*

special statute provides a distinct period of limitation, that period governs to the exclusion of general provisions, and the IBC, being a special law, would have an overriding effect. Section 61(1) of the IBC starts with a non-obstante clause. Consequently, the appellate mechanisms under the Companies Act cannot control or relax the statutory architecture of the IBC.

B. *Rule 22(2) of the NCLAT Rules, 2016 mandates that every Appeal be accompanied by a certified copy of the impugned Order. Section 12(2) of the Act, 1963 excludes the time required to obtain a copy of the impugned Order. The Explanation to Section 12 of the Act, 1963 makes it clear that any time the Tribunal or Court takes to prepare the Order before the litigant applies for a copy cannot be excluded. If a party fails to apply for a certified copy within the limitation period, no time can be excluded under Section 12(2) of the Act, 1963. Applying for a certified copy is not a mere procedural formality; it reflects the aggrieved party's due diligence.*

C. *Section 61(2) of the IBC prescribes a 30-day period for filing an Appeal, extendable by a maximum of 15 days upon demonstration of sufficient cause, and no more. Courts and Tribunals have no power under Section 5 of the Act, 1963, or inherent powers to condone delays beyond the outer limit of 15 days prescribed in special statutes. The IBC's foundational architecture weaves speed and strict timelines to preserve asset value, maximise recovery for lenders, and protect economic health. Procedural rules cannot be interpreted to protract litigation indefinitely."*

11. The question whether an aggrieved party is under an obligation to apply for a certified copy of the impugned order, and the consequence of its failure to do so, is no longer *res integra*. A three-Judge Bench of the Hon'ble Supreme Court in *V. Nagarajan v. SKS Ispat and Power Ltd. & Ors.*, (2022) 2 SCC 244, has held as under:

"31. The import of Section 12 of the Limitation Act and its Explanation is to assign the responsibility of applying for a certified copy of the order on a party. A person wishing to file an appeal is expected to file an application for a certified copy before the expiry of the limitation period, upon which the "time requisite" for obtaining a copy is to be excluded. However, the time taken by the court to prepare the decree or order before an application for a copy is made cannot be excluded. If no application for a certified copy has been made, no exclusion can ensue. In fact, the Explanation to the provision is a clear indicator of the legal position that the time which is taken by the court to prepare the decree or order cannot be excluded before the application to obtain a copy is made. It cannot be said that the right to receive a free copy under Section 420(3) of the Companies Act obviated the obligation on the appellant to seek a certified copy through an application. The appellant has urged that Rule 14 of the NCLAT Rules empowers NCLAT to exempt parties from compliance with the requirement of any of the rules in the interests of substantial justice, which has been typically exercised in favour of allowing a downloaded copy in lieu of a certified copy. While it may well be true that waivers on filing an appeal with a certified copy are often granted for the purposes of judicial determination, they do not confer an automatic right on an applicant to dispense with compliance and render Rule 22(2) of the NCLAT Rules nugatory. ***The act of filing an application for a certified copy is not just a technical requirement for computation of limitation but also an indication of the diligence of the aggrieved party in pursuing the litigation in a timely fashion.*** *In a similar factual scenario, NCLAT had dismissed an appeal as time-barred under Section 61(2) IBC since the appellant therein was present in court, and yet chose to file for a certified copy after five months of the pronouncement of the order.*

….

34. On the second question, Rule 22(2) of the NCLAT Rules mandates the certified copy being annexed to an appeal, which continues to bind litigants under IBC. ***While it is true that the tribunals, and even this Court, may choose to exempt parties from compliance with this procedural requirement in the interest of substantial justice, as reiterated in Rule 14 of the NCLAT Rules, the discretionary waiver does not act as an automatic exception where litigants make no efforts to pursue a timely resolution of their grievance.*** *The appellant having failed to apply for a certified copy, rendered the appeal filed before NCLAT as clearly barred by limitation."*

(Emphasis supplied)

12. A three-Judge Bench of the Hon'ble Supreme Court in *A. Rajendra v. Gonugunta Madhusudhan Rao & Ors.*, (2025) 6 SCC 618 considered two appeals which were filed on the 39th day from the date of pronouncement of the order of the Ld. NCLT, that is, within the outer limit of forty-five days. In the second appeal, no certified copy was appended and an application for exemption from filing the certified copy was filed. The appellant had not applied for the certified copy. The Hon'ble Supreme Court held as under:

"26. However, where the judgment was pronounced in open Court, the period of limitation starts running from that very day. The appellant is however entitled to seek relief under Section 12(2) of the Limitation Act for excluding the period during which the certified copy was under preparation on an application preferred by that party.

27. In light of the above legally settled position, when the facts of the present case is seen, the first thing which is apparent is that in the absence of any certified copy having been applied by the appellant of the impugned orders dated 20th July 2023 passed by the NCLT on which it was admittedly pronounced, with Rule

22 of the NCLAT Rules mandating filing of the appeal along with the certified copy. The appeals as preferred by the appellant need to be dismissed as they were filed beyond 30 days and no steps have been taken by the appellant to seek certified copy of the order.

28. ***That apart, the second appeal, on this score alone is to be dismissed as there is no question of moving an application for condonation of delay when no application for obtaining a certified copy of the order has been filed. Exemption from filing of certified copy, as has been referred to above, cannot be claimed as a matter of right in terms of the statutory requirements of the Rules.*** *As regards the first appeal, which was accompanied with the certified copy supplied free by NCLT the same also being beyond the period of limitation and the time of ten days as sought to be exempted for the preparation and making available the certified copy cannot be credited to the benefit of the appellant as the period of limitation commences from the date of pronouncement of the order and the benefit of Section 12(2) of the Limitation Act is available only on an application for grant of certified copy of the Order having been filed till the date of preparation of the said certified copy. Since no such steps have been taken by the appellant for applying the certified copy, the appeal was beyond limitation."*

(Emphasis supplied)

13. The Hon'ble Supreme Court in *Ashdan Properties Pvt. Ltd. & Ors. v. DSK Global Education and Research Pvt. Ltd. & Anr.*, 2025 SCC OnLine SC 1682, considered an appeal which was e-filed on the 32nd day from the date of pronouncement of the order of the Ld. NCLT without a certified copy of the impugned order. The certified copy was applied for only after the expiry of forty-five days and was filed thereafter. The Hon'ble Supreme Court held as under:

"11. ... ***Though the National Company Law Appellate Tribunal is clothed with the powers to exempt and to extend time under Rules 14 and 15 of the NCLAT Rules respectively, such powers cannot be exercised so as to render Rule 22(2) thereof nugatory, as pointed out in V Nagarajan (supra). Even if an appeal is entertained within the initial 30 day-period without a certified copy of the order, by granting exemption under Rule 14, it can only be for a limited period to enable due compliance with the mandate of Rule 22(2) by filing a certified copy at least at a later date and within the time stipulated by the National Company Law Appellate Tribunal.*** *Such exemption cannot be to the extent of completely dispensing with the filing of a certified copy, which would annihilate the clear mandate of Rule 22(2) of the NCLAT Rules, which categorically uses the word 'shall' to emphasize that an appeal must be accompanied by a certified copy of the order impugned.*

12. Viewed thus, the fact that respondent No. 1 casually e-filed an appeal on 25.07.2023, with neither an application for condonation of delay nor an application seeking exemption from filing a certified copy of the impugned order, rendered its appeal defective. Admittedly, it was only on 25.08.2023 that respondent No. 1 filed an application seeking permission to file the appeal and an application for condonation of delay was filed much later, on 22.09.2023. Presumably, it was at this time that a certified copy of the impugned order was filed without even seeking exemption or extension of time to do so. ***These aspects ought to have been considered by the NCLAT as the statute peremptorily requires proper institution of an appeal in conformity with all the prescribed norms and it was incumbent upon the NCLAT to examine and verify as to whether respondent No. 1's appeal was in due compliance with all such norms.*** *More so, when the appellant herein had specifically raised the issue*

that such appeal was barred by limitation. ***The NCLAT erred in completely brushing aside this crucial aspect which went to the very root of its appellate jurisdiction.****"*

(Emphasis supplied)

14. The Hon'ble Supreme Court in *Angelwoods Apartment Allottees Association v. M. Lalitha & Anr.*, [(2026) ibclaw.in 343 SC], had occasion to consider an appeal under Section 61 of the IBC, 2016 which was e-filed on the last day of the outer limit of forty-five days but without a certified copy of the impugned order and without the appellant having applied for the same. The Hon'ble Supreme Court held as under:

"9. Given the strict timelines provided in the Code, which were held to be of essence by this Court (See Ebix Singapore Private Limited vs. Committee of Creditors of Educomp Solutions Limited and another [(2021) ibclaw.in 153 SC]), we may note that respondent No. 1 chose to e-file an appeal against the order dated 14.08.2024 on the very last day available to her, in terms of the limitation prescribed under the proviso to Section 61(2) of the Code. ***However, the filing of such appeal, without even applying for a certified copy of the order dated 14.08.2024, practically meant that there was no filing of an appeal in the eyes of law.*** *As pointed out by this Court, a diligent litigant is expected to apply for a certified copy of the order sought to be appealed against before the period of limitation runs out and, by doing so, such litigant would be entitled to seek exclusion of the time taken to procure the certified copy for the purpose of limitation.*

10. However, as noted earlier, respondent No. 1 did not even apply for a certified copy of the NCLT's order dated 14.08.2024 till 21.04.2025, long after the refiling of the appeal on 10.03.2025. To make matters worse, respondent No.1 did not even choose to file

an application for exemption from filing such certified copy at any point, be it at the time of filing the appeal on 28.09.2024 or its refiling on 10.03.2025. This was the minimum requirement for respondent No. 1 to have complied with, when she filed and refiled her appeal without a certified copy of the NCLT's order dated 14.08.2024. Any such application could have been considered by the NCLAT under Rules 14 and 15 of the NCLAT Rules to enable the filing of the certified copy by respondent No.1 within such further time as is stipulated by the NCLAT. ***In effect, the appeal, as filed and refiled, was not a merely defective appeal, wherein the defects could be cured, but was a wholly incompetent appeal that did not satisfy the essentials to pass muster, in terms of the requirements prescribed under the Code and the NCLAT Rules.*** *However, the NCLAT totally lost sight of these vital aspects while considering the two applications filed by respondent No. 1 seeking condonation of delay in the filing and the refiling of the appeal.* ***The NCLAT ought not to have extended such indulgence to respondent No. 1, without first ascertaining whether her appeal was instituted in accordance with the norms.*** *We find that the NCLAT failed to undertake this exercise.*

11. On the above analysis, we hold that the filing/refiling of the appeal by respondent No. 1 was incurably tainted and the same ought to have been rejected at the threshold. …"

(Emphasis supplied)

15. From a conjoint reading of the aforesaid judgments, the following view emerges:

(i) The period of limitation under Section 61(2) of the IBC, 2016 begins to run from the date of pronouncement of the order. The time taken for obtaining a certified copy may be excluded under Section 12(2) of the Limitation Act,

1963 only when the certified copy is applied for within the period of limitation.

(ii) The act of applying for a certified copy is not merely a technical step for computing limitation. It is an indicator of the diligence of the aggrieved party. This obligation is not confined to cases where exclusion of time is sought. It applies equally where the appeal is filed within the outer limit of forty-five days. In *A. Rajendra* (supra), *Ashdan Properties* (supra) and *Angelwoods* (supra), the failure to apply for the certified copy within limitation was nonetheless held to be fatal.

(iii) An appeal may be presented without a certified copy along with a prayer for exemption. However, exemption under Rule 14 of the NCLAT Rules, 2016 is discretionary and cannot be claimed as a matter of right.

(iv) An appeal which is presented without a certified copy, where the certified copy was not applied for within limitation and no exemption has been validly granted, is not a merely a defective appeal, it is an incompetent appeal. The defect goes to the very root of the appellate jurisdiction, and such an appeal is liable to be rejected at the threshold.

(v) The question whether the appeal was instituted in accordance with the prescribed norms needs to be examined first. Where no application for obtaining the certified copy has been made within limitation period, there is no question of considering an application for condonation of delay, as it is an incompetent appeal.

16. We note that the certified copy in the present case was applied much after the period of limitation, including the condonable period, and after the IAs were taken up for hearing and replies were called for from Respondent. Rule 22(2) of NCLAT Rules, 2016 clearly prescribes that an appeal has to be accompanied by the certified copy of the impugned order. In the present case, the certified copy has been applied for after the period of limitation and thus the appeal is not merely a defective appeal but it is an incompetent appeal in terms of the requirement prescribed under the IBC, 2016 and the NCLAT Rules. We are not inclined to extend indulgence to the Appellant/Applicant regarding exemption from filing of certified copy and condonation of delay in light of the facts of this case. Since the appeal was not instituted in the manner prescribed by IBC, 2016 and NCLAT Rules, the appeal is treated as *non-est.* I.A. No. 6524 of 2026 and I.A. No. 6525 of 2026 are dismissed. In consequence, the appeal *viz.* Company Appeal (AT) (Insolvency) No. 1720 of 2026 is treated as *non-est.* Pending application(s) are closed. No order as to costs.

[Justice Yogesh Khanna]
Officiating Chairperson

[Mr. Barun Mitra]
Member (Technical)

[Mr. Ajai Das Mehrotra]
Member (Technical)

Place: New Delhi
Dated: 04.11.2026
Ram N.