

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

**Company Appeal (AT) (Insolvency) No. 1454 of 2023
& I.A. No. 5204, 5158 of 2023**

In the matter of:

**Nipan Bansal, Resolution Professional of KSM
Spinning Mills Ltd. & Anr.Appellants**

Vs.

Employees Provident Fund Organization ...Respondent

For Appellants Present but not marked appearance.

For Respondent

ORDER

(HYBRID MODE)

17.11.2023: I.A. No.5158 OF 2023:- This is an application praying for Condonation of 203 days' delay in re-filing of the Appeal. The grounds taken in the Application in paragraphs 3, 4, 5 and 6 make out sufficient cause of delay in re-filing of the Appeal. Re-filing delay of 203 days is condoned. IA. No. 5158 of 2023 is disposed of.

I.A. No. 5204 OF 2023:- This is an application praying for Condonation of 14 days' delay in filing the Appeal. The order impugned was passed on 03.01.2023 and this Appeal has been e-filed on 01.03.2023 i.e. beyond 45 days from passing of the order.

2. Learned Counsel for the Appellant submits that the delay is only 14 days since the period from 14.02.2023 to 27.02.2023 has to be excluded which period was taken for giving the certified copy of the order.

3. The order impugned was passed on 03.01.2023 and the application for certified copy was given on 14.02.2023 i.e. after 30 days from the date of the order. When the application is filed beyond the period of limitation, the Appellant is not entitled to exclude the period during which period certified copy remains under preparation. Thus, the Appellant is not entitled for any exclusion of the period during which copy was under preparation.

4. We, thus, are of the view that there is delay of more than 15 days after expiry of the limitation and our jurisdiction to condone the delay is limited to only 15 days as per Section 61(2), hence, we are unable to condone the delay which is beyond 15 days. IA No. 5204 of 2023 is dismissed. Consequently, the Appeal is dismissed.

**[Justice Ashok Bhushan]
Chairperson**

**[Barun Mitra]
Member (Technical)**

**[Arun Baroka]
Member (Technical)**

Anjali/nn