

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) No. 241 of 2026 &
I.A. No. 4348 of 2026

IN THE MATTER OF:

Trident Diesel Systems Pvt. Ltd. & Ors.

...Appellants

Versus

Lata Anil Pardesi & Anr.

...Respondents

Present:

For Appellant : Ms. Ramni Taneja, Mr. Nitish Raj and Ms. Rohini Srinivasan, Advocates.

For Respondents : Mr. Nilesh Sharma, Advocate for R1.

Mr. Rahul Narang, Mr Sourasubha Ghosh and Mr. Jash Shah, Advocates for R2.

O R D E R
(Hybrid Mode)

18.08.2026: **I.A. No. 4348 of 2026**

The Appellant in the instant company has sought condonation of delay that, has chanced in preferring the appeal. As per the report of the Registry, there has chanced a delay of 44 days in preferring the company appeal, in relation thereto the appellant has filed a supporting delay condonation application, being IA No. 4348 of 2026, in which in para 3 (a), (b) & (c), the appellant has explained the reasons for delay.

2. Having regards to the process that, was undertaken by the appellant for procuring certified copy of the order and the time, which was consumed by the appellant in choosing the Counsel in Delhi to pursue the appeal. Also, because of the fact that there were other certified copies of documents which

were which were required to be furnished to the counsel thus engaged are the reasons, which had pleaded in support of delay condonation application.

3. The Respondent No. 2, who is the contesting respondent has vehemently opposed the delay condonation application, by filing his reply and in context thereto, he has referred to a judgment of Hon'ble Apex Court as rendered in the matters of *Shivamma (D) LRs Vs. Karnataka Housing Board*, as reported in 2025 SCC OnLine SC 1969. Primarily, the arguments of the Ld. Counsel for the respondent is that if the explanation for sufficiency of cause, is taken into consideration, particularly in context of the explanation given by the appellant in Para- 3 (b) & (c) of the supporting application and affidavit, its argued that, it itself may not be treated as sufficient ground in context of the principles laid down in the matter of *Shivammaa (D) (supra)*. But we cannot read this judgement, in parlance to the provisions contained under Section 421 of Companies Act, when its being governed under the provisions of a special statute, which contains self-contained provisions for determining the aspect of delay, which is governed by self-contained provisions for the reasons that the aforesaid judgment was under the backdrop, when the court was seized on question of delay therein was deciding the application under Section 5 of the 'Limitation Act'; and not in context to the language used under the proviso to Section 421(3) of the Companies Act.

4. The aspects, which are required to be considered by this Tribunal for the purposes of condonation of delay if its falling under the extended period

or condonable period as prescribed under the Proviso, its exclusively the satisfaction of the Tribunal, which is to be recorded for considering the delay condonation application. The reasons, which has been given in Para-3 (b) & (c) cannot be ruled out to be out of context for considered the aspect of delay. For the reason being that, these situations of do chance when the litigant resides outside Delhi and he/she intends to engage a counsel in Delhi for the purposes of pursuing the appeal. The various recourses that had place and the conferences which were held, did consume time. In that eventuality and coupled with the fact the number of days of delay that, is being sought to be condoned is falling well within the condonable period as prescribed under Section 421(3), the delay of 44 days would stand condoned. Accordingly, IA No. 4348 of 2026 would stand allowed.

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5. As far as Respondent No.1 is concerned he has made a statement that he has to file his reply to the main appeal along with an application before the Ld. NCLT for withdrawing himself from the proceedings. But owing to the fact that the proceedings were on the verge of completion, nor orders could be passed on the same. Though he still proposes to oppose the delay condonation application by filing an objection. But simultaneously he makes a statement that he may be still permitted to continue to pursue the appeal as a non-contesting respondent.

6. The Respondent No. 2 may file counter affidavit to the appeal within a period of four weeks. This appeal is directed to be listed on **08.10.2026**.

[Justice Sharad Kumar Sharma]
Member (Judicial)

[Arun Baroka]
Member (Technical)

[Indevar Pandey]
Member (Technical)

harleen/Ravi