NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

I.A. No. 5225 of 2026
In
Company Appeal (AT) (Insolvency) No. 1341 of 2026

(Arising out of the Impugned Order dated 21.05.2026 passed by the 'Adjudicating Authority' (National Company Law Tribunal, Principal Bench in I.A. No. 4999/2025 in CP(IB) 1076(PB)/2019)

IN THE MATTER OF:

Sunil Kumar Dahiya
(Suspended Director of
M/s. Vigneshwara Developers Private Limited)
Resident of #13 Savitri Apartments,
Savitri Nagar-Malviya Nagar,
New Delhi-110017 **...Appellant**

Versus

1. **Lavkash Verma**
C-64, Millennium Apartment,
Sector-18, Rohini, New Delhi-110089. **...Respondent No.1**

2. **M/s. Vigneshwara Developers Private Limited**
Through its Interim Resolution Professional,
Ms. Ritu Rustogi
Having its registered office at:
D-16/LGF, Bhagwani House, Hauz Khas,
New Delhi-110016. **...Respondent No.2**

Present:

For Appellant : Mr. Sangram Patnaik, Ms. Swayamsidha Patnaik, Mr. Shivam Pal Sharma, Mr. Varun Raghawan and Mr. Shashank Tandon (CS), Advocates.

For Respondent : Ms. Purti Gupta, Ms. Henna George, Ms. Sunidhi Sah, Ms. Khushi Sharma and Ms. Suvarna Chaturvedi, Advocates for R-1.

Mr. Vishal Ganda, Ms. Chhavi Jain, Mr. Aseem Shrivastava and Mr. Pratham Sharma, Advocates for RP/R-2.

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

[Per: Arun Baroka, Member (Technical)]

The present Appeal under Section 61 of the Insolvency and Bankruptcy Code, 2016 assails the Order dated 21.05.2026 passed by the National Company Law Tribunal, Principal Bench, New Delhi, in IA No. 4999/2025 in CP (IB)1076(ND)/2019.

2. Per I.A. No. 4999/2025 Respondent No. 1, sought for revival of CP (IB)-1076(ND)/2019, and as per the Impugned Order, the Ld. NCLT has directed the revival of the Corporate Insolvency Resolution Process of the Corporate Debtor as it was directed under Order dated 10.10.2019, passed in CP (IB)1076(ND)/2019; appointed a new Interim Resolution Professional; and directed her to invite claims afresh.

3. Without going into the merits of the appeal, we first delve into the issue of maintainability based on its delayed filing. We note that the impugned order dated 21.05.2026, whereby virtue of it the proceedings before the NCLT were directed to be revived, was pronounced and was made available in the public domain on the very same day, i.e., 21.05.2026. Further, a public announcement in respect thereof was also made on 23.05.2026.

4. We note that, through IA 5225 of 2026, the applicant while computing the period of limitation for filing the appeal, has sought to exclude the time which it took for obtaining the certified copy of the order in terms of Section 12 of the Limitation Act, 1963, to be read with Section 61 of the Code.

5. Appellant claims that the Impugned Order was passed on 21.05.2026. However, he was neither a party to I.A. No. 4999 of 2025 nor was served with a copy of the said application or notice of the proceedings culminating in the Impugned Order. Consequently, the Impugned Order was never communicated to the Appellant. The Appellant became aware of the Impugned Order only after it was uploaded on the website of the Ld. NCLT on 02.06.2026.

6. The Appellants case is that, immediately upon becoming aware of the Impugned Order, the Appellant applied for a certified copy thereof, before the Registry of the Ld. NCLT on 12.06.2026. Since the matter pertains to proceedings instituted several years ago, the Registry informed the Appellant that the record, including the Vakalatnama, could not immediately be traced. Consequently, the Registry was unable to process the application for issuance of the certified copy of the Impugned Order. Thereafter, the Ld. NCLT, as well as this National Company Law Appellate Tribunal (hereinafter " NCLAT") remained closed for the ensuing summer vacation, further factor contributing to the delay was in processing the Applicant's request. Despite the Appellant's diligent efforts, the certified copy of the Impugned Order has been made available to the Appellant only on 23.07.2026.

7. It is contended by the Appellant that he had acted with utmost promptitude upon acquiring knowledge of the Impugned Order and pursued the application for obtaining the certified copy with due diligence. The inability to obtain the certified copy is entirely attributable to administrative

circumstances beyond the Appellant's control, including the Registry's inability to immediately trace the record in this old matter and also due to the intervening court vacations.

8. It is contended by the Appellant that the accompanying Appeal is within the period of limitation prescribed under Section 12 of the Limitation Act to be read with Section 61 of the IBC. As the Appellant had applied for a certified copy of the Impugned Order on 12.06.2026, which has been made available to the Applicant only on 23.07.2026 despite the Applicant's diligent efforts. Therefore, the present Appeal is within limitation.

9. The Appellant contends that he has acted bona fide throughout and has neither been negligent nor guilty of any deliberate inaction and besides no prejudice would be caused to the Respondents, if the accompanying Appeal is allowed, whereas refusal to entertain the accompanying Appeal would result in grave and irreparable prejudice and injustice to the Appellant.

10. Vehemently opposing the contentions of the Appellant for treating the appeal to be within limitation, the Respondent claims that all the averments made in the Application under Section 12 of the Limitation Act, 1963, to be read with Section 61 of the Insolvency and Bankruptcy Code, 2016, seeking exclusion of time in filing the appeal, is absolutely incorrect, and the averments made therein are liable to be rejected.

11. Respondent brings to our notice that the order dated 21.05.2026, whereby the proceedings before the NCLT were directed to be revived, was

pronounced and was made available in the public domain on the very same day, i.e., 21.05.2026. Further, a public announcement in respect thereof was also made on 23.05.2026. The contention of the Appellant that the said order was uploaded on the NCLT website only on 02.06.2026 is factually incorrect, as the order had in fact been uploaded and was made available on the website of NCLT on 21.05.2026 itself. Further, the Appellant cannot take the plea of knowledge as knowledge, is no ground under the regime of the Insolvency Code.

12. Respondent further brings to our notice that the Appellant was admittedly a party to the proceedings before the Hon'ble Delhi High Court in CO. PET. No. 534/2015, *Naresh Chand v. Vigneshwara Developers Pvt. Ltd.* wherein vide order dated 24.09.2025, the Hon'ble Court directed the revival of the proceedings, it has been specifically recorded at page 185, paragraph 15 of the Appeal Paper book had recorded that the Appellant had no objection to the transfer of the proceedings to the NCLT. Thus, it would presumed that the Appellant was aware of the proceedings to the NCLT, which clearly demonstrates the factual position regarding the Appellant being fully apprised about the entire matter and being a consenting party to the transfer which *inter alia* included the revival of the proceedings.

13. Furthermore, the Appellant claims to have applied for a certified copy of the order dated 21.05.2026 on 12.06.2026 and has further stated that the same was received by it only on 23.07.2026. However, this contention is untenable, as the certified copy of the said order was in fact ready and

available for delivery on 21.07.2026, as is evident from page 50 of the Appeal Paper Book.

14. Furthermore, the Appeal was filed on 18.07.2026 and the affidavit annexed thereto is also dated 18.07.2026. The application seeking exclusion of time in filing the Appeal was likewise filed on 18.07.2026. However, it is surprising that in paragraphs 3(a) and 3(b) of the said application, reference has been made to dates/events pertaining to 23.07.2026, despite the application itself having been filed on 18.07.2026. The Para 3(a) and 3(b) of the Application seeking Exclusion of time is reproduced hereunder: -

> "a) It is respectfully submitted that the Applicant acted with utmost promptitude upon acquiring knowledge of the Impugned Order and pursued the application for obtaining the certified copy with due diligence. The inability to obtain the certified copy is entirely attributable to administrative circumstances beyond the Applicant's control, including the Registry's inability to immediately trace the record in this old matter and the intervening court vacations.
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> b) It is respectfully submitted that the accompanying Appeal is within the period of limitation prescribed under Section 12 of the Limitation Act read with Section 61 of the IBC. The Applicant had applied for a certified copy of the Impugned Order on 12.06.2026, which has been made available to the Applicant only on 23.07.2026 despite the Applicant's diligent efforts. Therefore, the present Appeal is therefore within limitation."

15. Respondent claims that an Application, which is dated 18.07.2026 could not, by any stretch of imagination, foresee a diligent effort to receive a copy of the order on 23.07.2026. It is stated that this kind of a submission of

the Appellant categorically reflects that the Appellant had intentionally not taken steps to delay the receipt of the certified copy from the NCLT and had envisioned that he shall receive the copy on 23.07.2026. It is startling that the Appellant, in an application filed on 18.07.2026, had already "envisioned" that he would receive the certified copy on 23.07.2026. Such an averment clearly reflects the Appellant's conduct in unnecessarily delaying the matter and thereafter seeking exclusion of time on the basis of the very delay created by him.

16. Respondent submits that the averments made on oath on 18.07.2026 envisions the receipts of the copy on 23.07.2026, which clearly demonstrates that there has been an intentional delay and an endeavour to beat the period of limitation which ought not to be permitted.

17. Respondent further brings to our notice that this is dehors the effect that the Appellant has caused grave prejudice to the rights and interest of the Respondent No.1 herein and also the other allottees in perpetuity and are now trying to somehow circumvent the proceeding when CIRP process is underway.

18. The Respondent further brings to our notice that there was no intervening summer vacation affecting the functioning of the Registries of the NCLT or the NCLAT. Therefore, the Appellant cannot seek to justify the delay on the ground that the certified copy was made available belatedly due to the closure of the NCLT and NCLAT during the vacation period. Even otherwise also the registry of NCLT and NCLAT still functuous during vacations and

certified copy could have still be obtained the said process of obtaining the certified copy is not hampered because of vacations. This is particularly is evident from the fact that the Respondent No.1 had also applied for a certified copy of the order dated 21.05.2026 on 19.06.2026 and had received the same on 22.06.2026 from the Registry of NCLT itself.

19. The Respondent also brings to our notice, that in 2019, the matter was admitted; however, in view of the failure of the Scheme of Arrangement between the creditors and Mr. Sunil Kumar Dhaiya, promoter of Vigneshwara Group of Companies, the proceedings before the NCLT were stayed, and ultimately, when the proceedings were revived vide order dated 21.05.2026 by NCLT, the same promoter who was in prison for about 10 years in view of the serious fraud having been perpetuated by him upon the allottees and against whom the SFIO report dated 30.03.2019 has also been filed and against whom the Enforcement Directorate proceedings were also going on before the High Court of Delhi, in fact he was the person who has been actually responsible for delaying and dragging the project in which the allottees have invested substantial funds after absorbing their huge amounts and creating a layered structure for his financial enrichment at the cost of the poor allottees, such an Application has to be dismissed at the very threshold.

20. The Respondent contends that the instant Appeal is highly belated, having been filed beyond the statutory period of 45 days of filing the appeal, in view of the fact that the Appeal was preferred on 18.07.2026, whereas, the

impugned order is dated 21.05.2026. There is a clear-cut delay of 13 days beyond the extendable period of limitation of 15 days.

21. The Respondent brings to our notice that Section 12 of the Limitation Act, 1963, has no application to the facts and circumstances of the present case and, in any event, it cannot be invoked in a manner contrary to the scheme and provisions of the Insolvency and Bankruptcy Code, 2016.

22. The Respondent further claims that the Appellant is not entitled to the relief sought even on merits. The Appellant, by his own acts and omissions, has contributed to the delay in obtaining the certified copy and has thereafter made incorrect and misleading statements on oath before this Appellate Tribunal. A party cannot be permitted to take advantage of a delay occasioned by its own conduct. Such conduct, in any event, disentitles the Appellant from claiming the relief of exclusion of time.

23. We have heard both sides and also perused the material placed on the record. From the materials placed on record, we find that the order dated 21.05.2026, whereby the proceedings before the NCLT were directed to be revived, was pronounced and was made available in the public domain on the very same day, i.e., 21.05.2026. Further, a public announcement in respect thereof was also made on 23.05.2026. The contention of the Appellant that the said order was uploaded on the NCLT website only on 02.06.2026 is factually incorrect, as the order had in fact been uploaded and made available on the website on 21.05.2026 itself. Further, the Appellant cannot take the plea of knowledge as knowledge is no ground under the regime of the

Insolvency Code. Thus, we find that there is no sufficient cause explained for the delay in filing the appeal before this Appellate Tribunal. Since, the appeal is filed beyond the 13 days of the 15-day condonable period as available under sub-Section 2 of Section 61, which provides that it shall be filed within 30 days before the National Company Law Appellate Tribunal, provided that National Company Law Appellate Tribunal may allow an appeal to be filed after the expiry of the said period of 30 days, if it is satisfied that there was sufficient cause for not filing the appeal, but such period shall not exceed 15 days.

24. Appellant claims that the impugned order was passed on 21.05.2026 and it claims that the Appellant was not a party in I.A. No. 4999 of 2025, in which this order was passed. Consequently, the impugned order was never communicated to the Appellant. And the Appellant became aware of the impugned order only after it was uploaded on the website of the NCLAT on 02.06.2026. Appellant claims to have acted with promptitude upon acquiring knowledge of the Impugned Order and pursued the application for obtaining the certified copy with due diligence and claims that the inability to obtain the certified copy is entirely attributable to administrative circumstances beyond the Appellant's control, including the Registry's inability to immediately trace the record in this old matter and the intervening court vacations.

25. However, the material placed on record do not go on to establish the claims presented by the Appellant. We find that the Appellant has failed to make out any sustainable ground warranting the exercise of jurisdiction or

grant of the relief sought. We note that the proceedings under the Insolvency and Bankruptcy Code are time-bound and as per the provisions in the Code under Section 60(2), the Appeal shall be filed within 30 days, provided that NCLAT may allow an appeal to be filed after the expiry of the said period of 30 days but within next 15 days i.e. condonable period, and not beyond that, subject to if it is satisfied that there were sufficient grounds for not filing the appeal, but such period shall not exceed 15 days. We find that the submissions made by the Appellant are factually incorrect and are misleading this Appellant Tribunal and thus we find that the explanation provided is not a sufficient cause for delayed filing and therefore cannot be accepted.

Order

26. We therefore find that this Appeal in I.A. No. 5225 of 2026 in Company Appeal (AT) (Insolvency) No. 1341 of 2026 is not maintainable as per Section 60(2) of the Code and accordingly the Memo of Appeal is also dismissed. Any other IAs are also disposed of accordingly. No order as to costs.

[Justice Sharad Kumar Sharma]
Member (Judicial)

[Arun Baroka]
Member (Technical)

[Indevar Pandey]
Member (Technical)

New Delhi.
September 15, 2026.

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