

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

**COMPANY APPEAL (AT) NO.08 of 2019**

In the matter of:

Dhan Share Trading Ltd.

Appellant

Vs

Registrar of Companies, Mumbai

Respondent

Present:

Appellant: Mr.Gursat Singh and Mr.Biswaksen Panda, Advocates

Respondent : None.

**ORDER**

**13.12.2019-** Heard learned counsel for Appellant. I.A No. 57/2019 is filed by Appellant for condonation of delay. Learned counsel for Appellant submits that the National Company Law Tribunal, Mumbai Bench has passed impugned order dated 23<sup>rd</sup> July, 2018 and a certified copy of the same was received on 3<sup>rd</sup> October, 2018. Thereafter, the Appellant was sick. Therefore, he could not file the appeal in time. Ultimately the appeal was filed on 04<sup>th</sup> January, 2019. Thus the delay in filing the Appeal be condoned.

We have gone through the records, the impugned order passed by said Tribunal on 23<sup>rd</sup> July, 2018 and certified copy was issued on 21.08.2018 (certified copy of the impugned order which is annexed with the Appeal). The Appeal was filed on 04<sup>th</sup> January, 2019 thus, the appeal was filed after 134 days i.e. delayed by 89 days.

On 07.02.2019, this Appellate Tribunal has granted time to the Appellant to produce records relating the receipt of the impugned order on 03.10.2018. However, the Appellant has failed to produce such record.

As per Section 421 of the Companies Act, 2013, this Appellate Tribunal has no jurisdiction to condone the delay of more than 45 days after expiry of the period of 45 days for filing an Appeal. This Appellant Tribunal having no jurisdiction to condone the delay of 89 days.

Thus, the Appeal is accordingly dismissed as barred by limitation.

**(Justice Jarat Kumar Jain)**  
**Member (Judicial)**

**(Mr. Balvinder Singh)**  
**Member (Technical)**

**(Dr. Ashok Kumar Mishra)**  
**Member (Technical)**

Rk/nn