



# INDIAN INSTITUTE OF INSOLVENCY PROFESSIONALS OF ICAI

(Company formed by ICAI under Section 8 of the Companies Act 2013)

## IBC Case Law Capsule

Number 280

(June 15, 2026)



**CA. Ramchandra Dallaram Choudhary vs. Adani Infrastructure and Developers Pvt. Ltd.**

**Civil Appeal Diary No. 5988/2026**

**Date of Supreme Court's Judgement: 01<sup>st</sup> June 2026**

### Facts of the Case: -

The matter arose from an appeal filed under Section 62 of the Insolvency and Bankruptcy Code, 2016 (“IBC/the Code”) against an order of the NCLAT. Although the appeal was filed beyond the initial 45-day limitation period prescribed under Section 62(1), it was filed within the additional 15-day condonable period under Section 62(2), resulting in a delay of seven days for which a condonation application was filed. However, the Registry marked the appeal as defective, and after curing the defects, the appeal was re-filed with a further delay of 82 days, necessitating a separate application seeking condonation of delay in re-filing.

The Appellant, acting as a liquidator, contended that the delay resulted from an administrative oversight within the liquidator’s office and sought a liberal approach, relying on an earlier Supreme Court decision involving the same parties where delay in re-filing before the NCLAT had been condoned. The appellant argued that delay in re-filing should be treated differently from delay in initial filing and that sufficient cause existed for condonation. The maintainability of the appeal and the permissibility of condoning delay in re-filing beyond the prescribed period consequently came up for consideration before the Supreme Court.

### Supreme Court’s Observations:

The Supreme Court emphasized that scheme of limitation under the IBC is a strict and time-bound one and that concept of condonation of delay itself is alien to the statutory framework beyond the period contemplated under the Code. Referring to its earlier decisions, the Court reiterated that the legislative objective of speedy insolvency resolution would be defeated if litigants were permitted to bypass statutory timelines through procedural devices. It observed that an appeal filed under Section 62 must be a defect-free appeal capable of being acted upon by the Registry, and a defective filing cannot be treated as a valid institution of proceedings merely to save limitation.

The Court rejected the appellant’s contention that delay in re-filing should be liberally condoned, holding that the 28-day period prescribed under the Supreme Court Rules for curing defects cannot be used to extend the strict timelines contained in the IBC. Once the maximum 60-day period under Section 62 and the permissible period for curing defects expire, the right of appeal stands extinguished. The Court further held that neither the appellant’s status as a liquidator nor the earlier indulgence granted in separate proceedings justified relaxation of the statutory scheme. Distinguishing its earlier decision condoning delay before the NCLAT on peculiar facts, the Court observed that repeated condonation across successive appellate stages would render the limitation framework under the IBC progressively elastic and defeat the objectives of expedition and finality.

**Order/Judgment:** Given the above facts and circumstances of the case, the Supreme Court dismissed the defective appeal as time-barred having been filed beyond the maximum period condonable as per IBC.