

**IN THE NATIONAL COMPANY LAW TRIBUNAL**  
**DIVISION BENCH, COURT – 1, AHMEDABAD**

ITEM No.306 - IA/1346(AHM)2025 in IA/1214(AHM)2023  
in  
C.P.(IB)/279(AHM)2018

**Under Section 60(5) of IB Code, 2016 r. w. Rule 11 & 32 of NCLT Rules, 2016**

**IN THE MATTER OF:**

M/s. Erasmus Trading Company Pvt. Ltd. & Ors.  
V/s

.....Applicant

Ravi Kapoor RP of Krishna Knitwear Technology Ltd. & Ors.

.....Respondent

**Order delivered on: 08/12/2025**

**C O R A M:**

MR. SHAMMI KHAN, HON'BLE MEMBER (J)  
MR. SANJEEV SHARMA, HON'BLE MEMBER (T)

**ORDER**  
**(Hybrid Mode)**

The case is fixed for pronouncement of order. The order is pronounced in the open court, vide separate sheet.

*Sdf*

**SANJEEV SHARMA**  
**MEMBER (TECHNICAL)**

*Sdf/-*

**SHAMMI KHAN**  
**MEMBER (JUDICIAL)**

**BEFORE THE ADJUDICATING AUTHORITY  
NATIONAL COMPANY LAW TRIBUNAL  
DIVISION BENCH, COURT- I, AHMEDABAD**

**IA No. 1346 of 2025  
In  
I.A. No. 1214 of 2023  
In  
C.P. (IB) No. 279 of 2018**

**IA No. 1346 of 2025**

*(An application filed under Section 60(5) of the Insolvency and Bankruptcy Code, 2016 r.w. Rule 11 and Rule 32 of NCLT Rules, 2016, seeking condonation of delay in filing the Reply)*

**In the matter of:**

**M/s. Erasmus Trading Company Pvt. Ltd.**

Having its registered office at:  
Flat No. 304, Cosmicity Jupiter H.No. 1615/20,  
Build Type-C, Sayli, Silvassa - 396 230.

**M/s. Unique Warehouse Pvt. Ltd.**

Having its office at: RM-81, Sudharshan Nagar,  
MIDC, Phase-II, Dombivali (East),  
Mumbai -421021.

**.... Applicants**

***Versus***

**Ravi Kapoor**

RP of Krishna Knitwear Technology Limited  
402, Shaival Plaza, Gujarat College Road,  
Ellisbridge, Ahmedabad- 380006

**M/s. Acrow Realcon Pvt. Ltd.**

Having its registered office at:  
Gala No. 107, Everest Industrial Estate,  
Near 66 Kva Power Sub Station,  
Amli, Silvassa, Dadra and Nagra Haveli - 396 230.

**M/s. Royal Compservices Pvt. Ltd.**

Having its office at:  
RM-81, Sudarshan Nagar,  
MIDC, Phase-II, Dombivali East 421 201.

**M/s. Charms Holding Pvt. Ltd.**

Having its office at:  
Room No. 8,  
Patel Pada, Samarvani, Silvassa,  
Dadra and Nagra Haveli - 396 230.

**M/s. Elnet Conpro Pvt. Ltd.**

Having its office at:  
Gala No. 105,  
Everest Industrial Estate,  
Near 66 Kva Power Sub Station,  
Amli, Silvassa, Dadra and Nagra Haveli- 396230.

**M/s. Sumeru Reality Pvt. Ltd.**

Having its office at:  
Unit No. 34A, 2nd Floor,  
Ariswala Building, Wode House Road, Colaba,  
Mumbai - 400 053.

**M/s. Amex Infrastructure Pvt. Ltd.**

Having its office at:  
Gala No. 108,  
Everest Industrial Estate,  
Near 66 Kva Power Sub Station,  
Amli, Silvassa, Dadra and Nagra Haveli - 396 230.

**M/s. Wellworth Apparels Pvt. Ltd.**

Having its registered office at:  
Office No. M2, Mezzanine Floor,  
Pearl Plaza,  
Tata Road No. 2, Opera House,  
Mumbai - 400 004.

**M/ s. Anukaran Consultancy Pvt. Ltd.**

Having its office at:  
25, Floor--2, Plot-59/61,  
Ariswala Mansion, Nathalal Parikh Marg,

Colaba, Mumbai- 400 005.

**M/s. Cyra Capitals Pvt. Ltd.**

Having its registered office at:

Office No. - 127,  
1st Floor, Paras Centre A,  
Tata Road No. - 2, Opera House,  
Mumbai - 400 004.

**M/s. Single Point Security Solutions**

Having its office at: Gala No. 108,  
Everest Industrial Estate, Near 66 Kva Power  
Sub Station, Amli, Silvassa,  
Dadra and Nagra Haveli - 396 230.

**M/s. Shri Gopala Holding Pvt. Ltd.**

Having its office at:

Gala No. 108,  
Everest Industrial Estate,  
Near 66 Kva Power Sub Station,  
Amli, Silvassa, Dadra and Nagra Haveli - 396 230

**M/s. Carnat Estates Pvt. Ltd.**

Having its office at: Gala No. 107,  
Everest Industrial Estate,  
Near 66 va Power Sub Station,  
Amli, Silvasa, Dadra and Nagra Haveli - 396 230

**M/s. Picturesque Trading Pvt. Ltd.**

Having its registered office at:

RM-81, Sudharshan Nagar,  
MIDC, Phase-II,  
Dombivali (East), Thane,  
Mumbai -421021.

**M/s. Tanvish Trading Pvt. Ltd.**

Having its registered office at:

Office No. - 122, 1st Floor, Paras Centre A,  
Tata Road No. - 2, Opera House,  
Mumbai -400 004.

**M/s. Conart Con pro Pvt. Ltd.**

Having its office at:

Office No. 108,  
Everest Industrial Estate,  
Near 66 Kva Power Sub Station, Amli, Silvassa

**M/s. Axtel Properties Pvt. Ltd.**

Having its office at:

108, Everest Industrial Estate,  
Near 66 Kva Power Sub Station, Amli, Silvassa,  
Dadra and Nagra Haveli - 396 230

**M/s. Madhu Crimpers Pvt. Ltd.**

Having its registered office at:

Office No. - 122,  
1st Floor, Paras Centre A,  
Tata Road No. - 2,  
Opera House,  
Mumbai - 400 004.

**M/S. Shri Ganesh Hosiery Mills Pvt. Ltd.**

Having its office at:

Plot No. 6/4 & 6/5,  
TTC MIDC, Pawane Village, Navi  
Mumbai, Thane - 400 705.

**M/s. Taban Real Estate Pvt. Ltd.**

Having its office at:

Office No. - 127,  
1st Floor AParas Centre,  
Tata Road No. - 2, Opera House,  
Mumbai - 400 004.

**M/s. Vighnaharta Corrugators Pvt. Ltd.**

Having its registered office at:

RM-81, Surlharshan Nagar,  
MIDC, PLase-II,  
Dombivali (East),  
Mumbai -421 021.

**M/s. Shri Govind Cement Pvt. Ltd.**

Having its registered office at:

RM-81, Sudharshan Nagar,  
MIDC, Dombivali (East),  
Thane, Mumbai - 421 021.

**M/s. Richi-Rich Realty Ltd.**

Having its registered office at:  
Gala No. 107,  
Everest Industrial Estate,  
Near 66 Kva Power Sub Station,  
Amli, Silvassa, Dadra and Nagra Haveli - 396 230.

**M/s. Kausar Textiles Pvt. Ltd.**

Having its registered office at:  
27 A, Mezzanine Floor,  
Swadeshi Mill Building,  
Plot No. 80/84, J.S.S Road,  
Mumbai - 400 004.

**Union Bank of India**

On behalf of financial creditors cum  
COC members of Krishna Knitwear  
Technology Limited (in CIRP)

.... Respondents

**Order Pronounced on: 08.12.2025**

**C O R A M :**

**SH. SHAMMI KHAN, HON'BLE MEMBER (JUDICIAL)**  
**SH. SANJEEV SHARMA, HON'BLE MEMBER (TECHNICAL)**

**A P P E A R A N C E :**

For the Applicants/R-10, R-14 : Mr Arjun Seth, Adv.  
For Respondent/UBI : Mr. Ravi Pahwa, Adv.

**O R D E R**  
**[Per: Bench]**

1. The present Interlocutory Application No. 1346 of 2025 vide Inward Diary No. E-2865 is being filed by the Applicants, who

are arrayed as Respondent Nos. 10 and 14 in **I.A. No. 1214 of 2023**, arising out of **C.P. (IB) No. 279 of 2018**, seeking **condonation of delay in filing their Reply** to the said IA, seeking following reliefs:

- a. This Hon'ble Tribunal be pleased to pass an appropriate order condoning **the delay of 384 days** in filing the Reply in I.A. No. 1214 of 2023 in C.P. (IB) No. 279 of 2018;*
- b. This Hon'ble Tribunal be pleased to permit the Applicants (Respondent Nos. 10 and 14) to place on record and file their detailed Reply, annexed herewith as Annexure [A]; and/or*
- c. Pass such other or further order(s), direction(s), or relief(s) as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case and in the interest of justice.*

**FACTS:**

- 2.** The Respondent No. 25 herein, i.e., Union Bank of India, had filed a Chartered Accountant's Report dated 13.08.2024 in I.A. No. 1214 of 2023, which was taken on record by this Hon'ble Tribunal on 20.08.2024.

3. Thereafter, vide order dated 21.08.2024, this Hon'ble Tribunal was pleased to direct Respondent Nos. 2 to 26 to file their respective Replies within two weeks from the date of receipt of notice.
4. The Applicants respectfully submit that the relevant Search Report, which was essential for preparing a complete and effective Reply, was received by them only in the second week of September 2024. The said Search Report was voluminous in nature and required detailed scrutiny and verification.
5. Subsequently, this Hon'ble Tribunal, vide order dated 11.11.2024, was pleased to grant an additional period of 14 days to the Respondents for filing their Replies.
6. However, despite best efforts, the Reply could not be filed within the extended time granted, and consequently, vide order dated 29.11.2024, the right of the Respondents to file their Reply came to be closed.
7. The delay in filing the Reply occurred due to bona fide and unavoidable circumstances, including:

- i. The voluminous nature of the Search Report which required careful verification and reconciliation;
  - ii. A **change in legal counsel** during the relevant period, which led to considerable time being consumed in the appointment of new counsel and transfer of records;
  - iii. **Limited communication with the erstwhile counsel**, causing further delay in collection of necessary documents; and
  - iv. The newly appointed counsel requiring reasonable time to examine the records and prepare a comprehensive Reply.
8. The Applicants submit that the delay is neither deliberate nor intentional, but has occurred purely on account of circumstances beyond their control and despite exercising due diligence.
9. The Applicants are now fully ready and willing to file their detailed Reply, a copy whereof is annexed as Annexure-A, and undertake to place the same on record immediately upon condonation of delay.

- 10.** It is respectfully submitted that no prejudice would be caused to any party if the delay is condoned, whereas grave prejudice would be caused to the Applicants if they are denied an opportunity to contest the matter on merits.
- 11.** We have heard the Ld. Counsel for the Applicants/Respondent No.10 & 14 as well as Ld. Counsel for the Respondent/UBI and perused the Record.
- 12.** The present Application has been filed by Respondent Nos. 10 and 14 (now Applicants) in I.A. No. 1214 of 2023 in C.P. (IB) No. 279 of 2018, seeking condonation of delay of 384 days in filing their Reply to the Interlocutory Application No. 1214 of 2023 in C.P. (IB) No. 279 of 2018 pending before this Tribunal. The Applicants submit that they were unable to file the Reply within time and even within the extended period granted by this Tribunal.
- 13.** Chronology of material events emerging from the record is as follows:
- a. **20.08.2024:** I.A. No. 1214 of 2023 was taken up by this Tribunal wherein the report of Chartered Accountant

dated 13.08.2024 in IA No. 1214 of 2023 in C.P. (IB) No. 279 of 2018 was taken on record by this Tribunal.

- b. **13.08.2024**: Respondent No. 25 (Union Bank of India), on behalf of CoC, filed its Chartered Accountant Report.
- c. **21.08.2024**: This Tribunal directed Respondent Nos. 2 to 26 to file reply in IA No. 1214 of 2023 in C.P. (IB) No. 279 of 2018 within two weeks of the notice.
- d. **11.11.2024**: The extended period for filing the Reply expired. The Applicants concede that the Reply could not be filed even within this extended period.
- e. **29.11.2024**: This Tribunal, noting non-compliance, closed the right of the Applicants to file their Reply.

**14.** The Applicants have placed reliance on the following grounds to establish “sufficient cause”:

- a. That the Search Report provided by the Resolution Professional contained voluminous entries and data, which required “careful verification and reconciliation,” consuming substantial time.

- b. That during this period, there was a change in legal counsel, and the new counsel required time to familiarize them with the record.
- c. That there existed “limited window of communication” with erstwhile counsel, causing delay in collecting required information.
- d. That the newly appointed counsel required additional time to examine the records, review the Search Report, and prepare the comprehensive Reply.
- e. That the delay was neither deliberate nor intentional but due to circumstances beyond their control.

**15.** From the papers and submissions, this Tribunal notes that none of the reasons pleaded demonstrate circumstances which were unavoidable or which prevented the Applicants from acting with normal diligence. The record reflects that the proceedings were actively on-going for several months, and the Applicants were fully aware of the pendency and requirement to file their Reply. The voluminous nature of documents, change of advocate, or internal communication limitations cannot constitute “sufficient cause”.

16. The Tribunal further notes that despite multiple opportunities and an extended period granted, the Applicants **did not file even a preliminary or incomplete Reply, nor sought specific directions from the Tribunal for additional time, nor established any documentary material evidencing exceptional circumstances preventing timely filing.**

17. This Tribunal notes that the **Hon'ble Supreme Court** in ***Pathapati Subba Reddy (Died) By L.Rs. & Ors v. Special Deputy Collector (LA), SLP (CIVIL) NO. 31248 OF 2018 (2024) ibclaw.in 107 SC***, has comprehensively reiterated the principles governing condonation of delay under Section 5 of the Limitation Act. The Apex Court has held:

- a. Law of limitation is based on public policy; litigation must come to an end.
- b. Section 3 must be applied strictly; Section 5 may be applied liberally, but only when "sufficient cause" is shown.
- c. Liberal interpretation cannot be used to defeat the mandatory nature of limitation.
- d. Negligence, inaction, or want of due diligence cannot be condoned.
- e. Even if sufficient cause is shown, condonation is discretionary and may still be refused if the conduct lacks bona fides.
- f. Delay cannot be condoned on sympathetic grounds or on the basis of parity. (Para 26 of the Judgement).

The Supreme Court has categorically held that **the concepts of “liberal approach,” “justice-oriented approach,” or “substantial justice” cannot be employed to revive stale claims or disregard statutory timelines.** (Para 16 of the Judgement).

Applying the above binding ratio to the present matter, this Tribunal finds:

- i. The Applicants **have not demonstrated** any “adequate and enough reason” that prevented them from approaching the Tribunal within the stipulated period.
- ii. The grounds urged are administrative and internal to the Applicants; they do not meet the threshold of “circumstances beyond control.”
- iii. The Applicants’ conduct reflects lack of due diligence, particularly when the proceedings were known to them and adequate time was available.
- iv. Allowing condonation in such circumstances would defeat the purpose of limitation, contrary to the principle *dura lex sed lex* (the law is harsh but it is the law), reiterated in para 24 of the Supreme Court judgment.

**18.** Thus, this Tribunal is not satisfied that the Applicants have established “sufficient cause” as mandated under Section 5 of the Limitation Act, nor justified exercise of this Tribunal’s

discretionary jurisdiction under Section 60(5) of the IBC 2016 to condone an otherwise inordinate and unexplained delay of 384 days.

- 19.** In view of the facts on record, the Applicants' explanations, and the binding principles laid down by the Hon'ble Supreme Court, this Tribunal holds that no sufficient cause has been established, and the Applicants have failed to demonstrate bona fide efforts or unavoidable circumstances preventing timely filing the reply.
- 20.** Accordingly, **IA No. 1346 of 2025** seeking condonation of inordinate **delay of 384 days** in filing the reply is **rejected**.  
No order as to costs.

*Sd/-*

**SANJEEV SHARMA**  
**MEMBER (TECHNICAL)**  
AJ/LRA

*Sd/-*

**SHAMMI KHAN**  
**MEMBER (JUDICIAL)**