

Appeal filed without certified copy of the impugned order, and without even application for exemption from filing such certified copy, is not a merely defective appeal, but wholly incompetent appeal that does not satisfy the essential requirements under the Code and the NCLAT Rules

The **Supreme Court** in the case of **Angelwoods Apartment Allottees Association vs M Lalitha [Civil Appeal Nos. 14439-14440 of 2025]** dated **May 12, 2026**, has held that an appeal filed without a certified copy of the impugned order, and without even an application for exemption from filing such certified copy, is not a merely defective appeal capable of being cured, rather it is a wholly incompetent appeal that does not satisfy the essential requirements under the Code and the NCLAT Rules.

The Court reaffirmed, that Rule 22(2) of the NCLAT Rules mandatorily requires every appeal to be accompanied by a certified copy of the impugned order, and that parties cannot automatically dispense with this obligation. The Court emphasised that the act of applying for a certified copy before the expiry of the limitation period is not merely a technical requirement but is an indicator of the diligence of the party in pursuing litigation in a timely manner.

The Court further held that the NCLAT, while considering applications for condonation of delay, was obligated to first ascertain whether the appeal had been instituted in accordance with the prescribed norms before extending any indulgence to the appellant. Having failed to undertake this exercise, the NCLAT's order condoning the delay was set aside. The filing and refiling of the appeal were held to be incurably tainted, and the appeal ought to have been rejected at the threshold.

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