

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.570 OF 2025
IN
CRIMINAL APPEAL (ST) NO.3028 OF 2025**

WITH

CRIMINAL APPEAL (ST) NO.3028 OF 2025

Deputy Collector & Competent Authority (NSEL) Applicant/
Appellant
versus

63 Moon Technologies Ltd. & Anr. Respondents
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- Ms. Rebecca Gonsalvez, Advocate for Applicant/Appellant.
- Mr. Arvind Lakhavat a/w Vikrant Nalawade i/b. Crawford Bayley and Co. Advocate Respondent No.1.
- Mr. Mohammed Lokhandwala i/b. Mansukhlal Hiralal and Co. Advocate for Respondent No.2.
- Mr. S. V. Gavand a/w Shahaji Shinde 'B' Panel Counsel, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL &
S. M. MODAK, JJ.
DATE : 06th MARCH, 2025**

P.C. :

1. This is an application for condonation of delay in filing the Appeal challenging the order dated 18/11/2024 passed by the Special Judge (MPID), Mumbai in Misc. Application No.1133

of 2024 in MPID Special Case No.1 of 2024. Vide the impugned order, the Respondent No.1 was permitted to sell one of its properties i.e. the ODIN Software with its receivables, releasing the same from attachment, subject to certain conditions. There is delay of 15 days in filing the Appeal. The Appeal period is 60 days. The impugned order was passed on 18/11/2024.

2. Heard Ms. Rebecca Gonsalvez, learned Counsel for the Applicant/Appellant, Mr. Arvind Lakhavat, learned counsel for the Respondent No.1, Mr. Mohammed Lokhandwala, learned counsel for the Respondent No.2 and Mr. S. V. Gavand, learned APP for the State.

3. Learned counsel for the Applicant invited our attention to the ground No.4(a) of the application, wherein the cause of delay is explained. It is mentioned in that paragraph that the impugned order was passed on 18/11/2024. After that, the competent authority requested the Special P.P. to give his opinion. Because of heavy work load, the learned Special P.P. could give his opinion only on 27/12/2024. The opinion was that the order should be challenged. On the same day, the copy

of the impugned order was forwarded to the Government of Maharashtra. The copy was accompanied by the Special P.P.'s opinion. Thereafter, there was some correspondence between the Government of Maharashtra and the Applicant and finally, the decision was taken to challenge the order. The Applicant received a letter dated 21/01/2025 in that behalf with a copy of the Government Resolution dated 20/01/2025. Shortly thereafter, the Appeal memo was prepared and the Appeal was filed on 04/02/2025.

4. Learned counsel for the Respondent No.1 submitted that the Respondent No.1 waited for the Appeal period to get over to act on the order, which is under challenge. There was no reason for the Applicant not to have applied for the certified copy earlier. The Appeal is deliberately filed belatedly to deprive the Respondent No.1 from getting any benefit.
5. Learned counsel for the Respondent No.2 raised no objection for allowing this application.
6. We have considered these submissions. The delay of 15

days is satisfactorily explained in paragraph No.4(a) of the application. The Applicant was taking steps to challenge the order. The delay was caused for a few days for getting the opinion from the Special PP. and then considering that opinion at the Government level.

7. According to us, the explanation is acceptable. The delay is of 15 days. It is explained in that paragraph. In view of this discussion, we are inclined to allow this application.

8. Hence, the following order :

ORDER

- (i) The delay of 15 days in filing the Appeal is condoned.
- (ii) The Appeal be processed further.
- (iii) The Interim Application is disposed of.

(S. M. MODAK, J.)

(SARANG V. KOTWAL, J.)