

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

**Company Appeal (AT) (Insolvency) No. 232 of 2021**

**IN THE MATTER OF:**

**BRS Ventures Investment Ltd.**

**...Appellant**

**Versus**

**GIR Logistics Pvt. Ltd. & Anr.**

**...Respondents**

**Present:**

**For Appellant: Mr. Ajay Gaggar, Ms. Vineeta Rathore, Ms. Rakhi Purnima Paul and Mr. Robin Sirohi, Advocates.**

**For Respondents: Mr. Ashwani Kumar, Advocate for R-1.**

**ORDER**  
**(Through Virtual Mode)**

**25.03.2021:** After hearing learned counsel for the Appellant we find that by virtue of impugned order dated 23<sup>rd</sup> February, 2021 passed by the Adjudicating Authority (National Company Law Tribunal) Guwahati Bench, Guwahati Respondent was directed to handover the goods lying with it without creating any problem. It is observed in the order that the Appellant will take back the goods, as agreed, by the following day or thereafter but within seven days from the date of impugned order, failing which its entitlement to recover the goods would stand extinguished.

2. Through the medium of instant appeal, the Appellant seeks extension of time and removal of the condition imposed as the consequence of non-lifting of goods within the period of seven days as stipulated in terms of the impugned order.

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3. Shri Ashwani Kumar, Advocate entering appearance on behalf of the Respondents submits that the Appellant has already filed an application before the Adjudicating Authority seeking extension of time. This factual assertion is not disputed by learned counsel for the Appellant. Mr. Ajay Gaggar, Advocate representing the Appellant submits that in view of the consequence ensuing out of non-compliance of order within the stipulated period of seven days, the Appellant is faced with the prospect of extinguishing its right in goods and in view of the same the Appellant had no option but to file the appeal.

4. This argument of learned counsel for the Appellant, though appears to be attractive in technique, is flawed in substance. If the Appellant was apprehensive of invasion of its legal rights qua the title to goods, there was an opportunity to approach the Adjudicating Authority for extension of time, which has been done and the instant appeal would not be filed. The Appellant, on the one hand, approached the Adjudicating Authority for extension of time and simultaneously filed this appeal. This amounts to forum hunting and such practice is deprecated. The impugned order has been passed on consensus and the order being in the nature of a consent order is not appealable. Though we are confident that the appeal is frivolous, we do not intend to impose any costs. Appeal is dismissed.

**[Justice Bansi Lal Bhat]**  
**Acting Chairperson**

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

*am/gc*

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