

NATIONAL COMPANY LAW APPELLATE TRIBUNAL

PRINCIPAL BENCH

NEW DELHI

COMPANY APPEAL (AT)(INSOLVENCY) NO.315 OF 2021

In the matter of:

Om Prakash Pandey

Appellant

Vs

Indian Overseas Bank & Anr

Respondent

Present:

Mr. Subhasish Bhowmick, Ms Manisha Pandey, Advocates for Appellant.

Mr. Ramesh Chandra Prusti, Ms Sukriti Dutta, Advocates for R1.

Mr. Rahul Auddy, Liquidator R2.

ORDER

16.04.2021: The issue raised in this appeal preferred against the order of admission of application under Section 7 of I&B Code in terms of impugned order dated 16th March, 2021 passed by the Adjudicating Authority, National Company Law Tribunal, Kolkata Bench is that the account of the Corporate Debtor was classified as NPA in September, 2014 and triggering of CIRP was barred by limitation.

Issue Notice upon Respondents. Appellant to provide Mobile No. and Email IDs of respondent within two days.

Notice on Respondent No.1 is waived and is accepted by Shri Ramesh Chandra Prusti, Advocate. Notice on Respondent No.2 is waived and accepted by Mr. Rahul Auddy, Advocate and submits that an order of liquidation has been passed and Liquidator has been appointed, he is representing the Corporate Debtor through Liquidator. No further notice be served upon respondents.

2.

Reply affidavit alongwith Vakalatnama may be filed within two weeks. Rejoinder, if any, thereafter may be filed by appellant within two weeks thereof. Short written submissions not exceeding three pages accompanied by compilation of relevant judgements may also be filed alongwith the pleadings.

Since it is brought to our notice that an order of liquidation has been passed and the liquidator has been appointed by the Adjudicating Authority, appellant may take necessary steps for assailing the order of liquidation.

IA No.754/2021: The impugned order having been passed on 16th March, 2020 and the present appeal having been filed on 6th April, 2021, after excluding the period of extension in terms of orders passed in Suo Moto Company Appeal (AT) No.1/2020 dated 18.3.2021, we find that the appeal has been filed within limitation period. The application for condonation of delay is accordingly disposed off.

IA No.755/2021 is disposed off with direction to provide copies of documents which were part of the record the Adjudicating Authority well before date of hearing by way of affidavit or as Annexures to the rejoinder.

Learned counsel for the appellant shall provide complete set of appeal paper book to the learned counsel for the Respondent within two days.

3.

List the matter on **20th May, 2021.**

(Justice Bansi Lal Bhat)
Acting Chairperson

(Dr. Ashok Kumar Mishra)
Member (Technical)

Bm/gc