

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 947 of 2020

IN THE MATTER OF:

Gail (India) Ltd.

...Appellant

Versus

Divyesh Desai, Liquidator of Aster Silicates Ltd.

...Respondent

Present:

For Appellant: Mr. Varun K. Chopra and Mr. Gurtej Pal, Advocates.

For Respondent:

ORDER
(Through Virtual Mode)

03.11.2020: Appellant – ‘M/s Gail (India) Ltd.’ is aggrieved of rejection of I.A. No. 295 of 2020 filed by it before the Adjudicating Authority (National Company Law Tribunal), Ahmedabad Bench, Ahmedabad on the ground that the same was not maintainable as the claim had been submitted at a belated stage.

2. After hearing Shri Varun Kr. Chopra, Advocate representing the Appellant, we find that the last date for submission of claim was 31st October, 2019 whereas the claim in the instant case was submitted after delay on 22nd May, 2020. Ground projected for delay i.e. lockdown restrictions imposed in the wake of outbreak of COVID 19 pandemic is unfounded as the lockdown restriction was imposed on 23rd March, 2020 i.e. more than four and a half months after the closing date of submission of claims. Thus the lockdown restrictions could not

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be an impediment in filing of claim as contended by the Appellant. That apart, the Gas Sale Transmission Agreement inter-se the Appellant and the Corporate Debtor was for the period spanning 1st January, 2011 to 31st December, 2015. The claim filed at the belated stage on 22nd May, 2020 was ex-facie barred by limitation.

3. There being no legal infirmity in the impugned order, we decline to interfere. Appeal is accordingly dismissed.

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

**[Justice Jarat Kumar Jain]
Member (Judicial)**

**[Kanthi Narahari]
Member (Technical)**

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