

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

**Interlocutory Application No.2410 of 2019 in
Company Appeal (AT) (Insolvency) No. 794 of 2019**

IN THE MATTER OF:

Manish Saxena Appellant

Vs

Pushpanjali Realms and Infratech Ltd. Respondent

Present:

For Appellant: Mr. S.N. Gautam, Advocate.

ORDER

14.08.2019 Learned Counsel for the Appellant submits that the impugned order dated 28th May, 2019 was not communicated to the Appellant. After the office of the Appellant started on 1st July, 2019, the Appellant tried to find out about the order on 2nd July, 2019 and while searching the NCLT website, it found that impugned order dated 28.05.2019 was passed. It is submitted that if the date of acknowledgement of the order is taken as 2nd July, 2019, the Appeal having been filed on 26th July, 2019, could be treated well within the 30 days' period prescribed under sub-section (2) of Section 61 of the Insolvency and Bankruptcy Code, 2016.

Taking into consideration the facts and circumstances of the case and being satisfied with the ground, the delay of 29 days in filing the Appeal is condoned. Interlocutory Application No.2410 of 2019 stands disposed of.

Learned Counsel appearing on behalf of the Appellant submits that no Agreement is required to suggest the date of default and the Adjudicating Authority without going to the other records of the default, rejected the application under Section 7 of Insolvency and Bankruptcy Code, 2016 preferred by the Appellant.

Let notice be issued to the Respondent. Requisites along with process fee be filed by 16th August, 2019. If the Appellant provides the email address of the Respondent, let notice be issued through email.

Post the case 'for admission' on **11th September, 2019**.

Pendency of the Appeal will not come in the way of the Respondent and Appellant to settle the matter.

[Justice S. J. Mukhopadhaya]
Chairperson

[Justice A.I.S. Cheema]
Member (Judicial)

[Kanthi Narahari]
Member (Technical)