

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency)No. 378 of 2020

[Arising out of Order dated 27.11.2019 passed by the Adjudicating Authority (National Company Law Tribunal) Mumbai Bench, Mumbai in MA-337/2018 in C.P.(IB)-298/(MB)/2018 & MA-336/2018 in C.P.(IB)-302/(MB)/2018]

IN THE MATTER OF:

**Union of India
Through, The Secretary,
Department of Telecommunication,
Sanchar Bhawan, 20, Ashoka Road,
New Delhi – 110001.
Vs.**

.....Appellant

**Vijaykumar V.Iyer
The Interim Resolution Professional of Aircel Ltd.
Deloitte Touche Tohmatsu India LLP,
Indiabulls Finance Centre, Tower-3, 27th Floor,
Senapati Bapat Marg, Elphinstone Road (West),
Mumbai 400013.
Present :**

.....Respondent

For Appellant: Though present but not marked attendance

**For Respondents: Mr. Abhinav Vasisht, Sr. Advocate with Mr. Sumesh
Dhawan, Ms. Nisha, Mr. Vaijayant Paliwal, Ms. Charu
Bansal, Advocates**

Mr. Harish Vaidyanathan Shankar, Advocate

O R D E R

04.03.2020 - Heard Learned Counsel for Appellant. Learned Counsel states that very important question is raised as to whether or not licence to run telecom

....contd.

business and spectrum of which right to use has been granted, can be subject to Moratorium in Insolvency proceedings.

2. Unfortunately, this appeal is time barred if provisions of Section 61 of the Insolvency & Bankruptcy Code, 2016 ('I&B' Code, for short) are seen. Under the provision, period of appeal is of 30 days and the delay which can be condoned for reasonable cause by this Tribunal is only 15 days. We have seen the IA No. 997/2020 filed by the Appellant. Admittedly, the Impugned Order was passed on 27.11.2019 in Misc. applications in which Union of India was Respondent.

3. Learned Counsel for the Appellant says that free certified copy of the impugned order was received on 20.12.19. This appeal was presented on 20.2.2020. Even giving the longest rope, if we calculate the period from 20.12.19, the appeal is presented consuming 61 days. This being so, the appeal is *time barred* and for want of jurisdiction, we cannot entertain the appeal.

The appeal is dismissed as *time barred*. No costs.

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

[Justice Anant Bijay Singh]
Member (Judicial)

[Kanthi Narahari]
Member (Technical)