

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

**Company Appeal (AT) (Insolvency) No. 478 of 2018**

**IN THE MATTER OF:**

**Naskar's Delco Mechanical Engineering Pvt. Ltd. ...Appellant**

**Vs**

**Electrosteel Steels Ltd. and Ors. ....Respondents**

**Present:**

**For Appellant: Mr. Kapil Gupta, Ms. Rashmi Solanki and Mr. Ritoban Sarkar, Advocates.**

**For Respondents: Ms. Misha and Mr. Siddhant Kant, Advocates for Resolution Professional.**

**ORDER**

**24.08.2018:** This appeal has been preferred by M/s Naskar's Delco Mechanical Engineering Pvt. Ltd. against order dated 17<sup>th</sup> April, 2018 passed by the Adjudicating Authority (National Company Law Tribunal), Kolkata Bench alongwith petition for condonation of delay. From the date of the order, there is a 91 days delay and from the date of knowledge i.e. 1<sup>st</sup> July, 2018, as informed by the learned counsel for the Appellant, there is delay of more than 50 days in preferring the appeal. In the appeal a vague statement has been made that he came to know about the order from some other Operational Creditor in the second week of the July, 2018 but such statement is not based on any evidence and is also vague in absence of a specific date. Therefore, the appeal cannot be entertained in terms of sub-section (2) of Section 61 of Insolvency and Bankruptcy Code, 2016.

2. Apart from the aforesaid fact we have noticed that the resolution plan submitted by M/s. Vedanta Ltd. has already been approved by the Committee of Creditors, Adjudicating Authority and this Appellate Tribunal by its judgment dated 10<sup>th</sup> August, 2018 in "*Renaissance Steel India Pvt. Ltd. Vs. Electrosteels Steel India Ltd.*" in Company Appeal (AT) (Insolvency) No. 175, 223, 221, 233,

267 & 357 of 2018, has also affirmed the approval of the resolution plan. In that view of the matter, after approval of the resolution plan and takeover of the Corporate Debtor by Vedanta and after long delay, we are not inclined to deliberate on the issue raised in this appeal. It is accordingly dismissed. No cost.

[Justice S. J. Mukhopadhaya]  
Chairperson

[Justice Bansi Lal Bhat]  
Member (Judicial)

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