

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 16 of 2020

IN THE MATTER OF:

State Bank of India **...Appellant**

Vs.

Sical Logistics Ltd. **...Respondent**

Present: For Appellant: - Mr. Sindhu T.P. and Mr. Ashwini Kumar Singh, Advocates.

For Respondent: - None.

O R D E R

08.01.2020— The Appellant- 'State Bank of India' claimed to be an 'Operational Creditor' and moved an application under Section 9 of the Insolvency and Bankruptcy Code, 2016 against 'M/s. Sical Logistics Ltd.'- ('Corporate Debtor'). The Adjudicating Authority (National Company Law Tribunal), Division Bench-I, Chennai, by impugned order dated 19th November, 2019, taking into consideration the fact that the date of default was 10th April, 2008, rejected the application under Section 9 being barred by limitation.

2. Reliance has been placed on Section 238 A of the 'I&B Code' read with Article 137 of the Schedule under the Limitation Act, 1963.

Contd/-.....

3. Learned counsel for the Appellant submitted that such plea has not been taken up by the Respondent. However, such submission cannot be accepted as it is within the domain of the Adjudicating Authority (Court of Competent Jurisdiction) to decide whether the application is barred by limitation or not.

4. In view of the aforesaid position, while we condone the delay of 7 days in preferring the appeal, dismiss the appeal as without being any merit.

The appeal is accordingly dismissed. No costs.

(Justice S.J. Mukhopadhaya)
Chairperson

(Justice Bansi Lal Bhat)
Member(Judicial)

Ar/g