

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Comp. App. (AT) (Insolvency) No. 797 of 2020

IN THE MATTER OF:

Ashit Umashankar Agarwal and Anr.

...Appellants

Versus

Bhavi Shreyansh Shah and Ors.

...Respondents

Present:

For Appellants : Ms. Manisha T. Karia, Mr. Jeet Karia, Mr. Manan Paneri, Ms. Nidhi Nagpal and Ms. Sukhda Kalra, Advocates

For Respondents : Mr. Gautam Singhal and Mr. Rajat Choudhary, Advocate for R-6

O R D E R
(Through Virtual Mode)

18.09.2020 This appeal is hopelessly barred by limitation. Section 61(2) of the 'I&B Code' prescribes a period of 30 days for filing of appeal and the proviso appended thereto vests the jurisdiction in this Appellate Tribunal to extend time by 15 days provided sufficient cause by the Appellant is assigned for the same. In any case no appeal can be entertained after the maximum period of 45 days. In the instant case the impugned order of approving the resolution plan has been passed on 1st January, 2020 and by virtue of the same order all pending Interlocutory Applications including the Interlocutory Application which the Appellant claims to have filed have been disposed of as having turned infructuous. Admittedly, the Appellant was a party to the proceedings and it cannot lie in its mouth that it has no knowledge of the impugned order. That being so, even the extended period of limitation, viz. 45 days from the date of passing of the impugned order, would come to an end on 15th February, 2020. Lockdown on account of outbreak of Covid-19 pandemic was imposed on 23rd March, 2020 whereafter in *suo moto* proceedings this Appellate Tribunal has

waived /exempted limitation which continues till date. However, the appeal not having been preferred within the extended period of 45 days of passing of the impugned order, this Appellate Tribunal lacks jurisdiction to entertain the appeal.

The appeal is accordingly dismissed.

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

**[Justice Anant Bijay Singh]
Member (Judicial)**

**[Dr. Ashok Kumar Mishra]
Member (Technical)**

/ns/md/