

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 97 of 2019

IN THE MATTER OF:

A.K.C. Infrastructure Pvt. Ltd.

...Appellant

Versus

Amrit Cement Ltd.

...Respondent

Present:

For Appellant : Mr. Shantanu Sagar, Syed Sarfaraz Karim, Mr. Shashwat Anand, Mr. Prabhat Ranjan Raj, Mr. Amit Banerjee, Advocates

ORDER

30.01.2019 Learned Counsel for the Appellant submits that the 'Corporate Debtor' in their books of accounts have admitted the claim, even during the financial year ending 31st March, 2018 and paid TDS, therefore, the amount cannot be treated to be barred by limitation. However, it is submitted that the Appellant wanted to place those documents on record.

In the present case, as we find that the case is barred by limitation or not is required to be determined and the matter is pending before the Adjudicating Authority. We are of the view that the Appellant should be allowed to file rejoinder to the reply if filed by the 'Corporate Debtor' wherein they should enclose all the documents in support to suggest that the claim is not barred by limitation. The Appellant will file such rejoinder, if any, along with the documents by 8th February, 2019.

The appeal stands disposed of with the aforesaid observations.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

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