

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) No. 614 of 2018

IN THE MATTER OF:

IFCI Ltd.

...Appellant

Versus

**Amtek Auto Ltd.,
Through Resolution Professional,
Mr. Dinkar Tiruvannandapuram
Venkatasubramanian**

...Respondent

Present:

For Appellant : **Mr. Neeraj Kumar Jain, Senior Advocate assisted by
Mr. Krishan Kumar and Mr. Atul Sheopuri,
Advocates**

For Respondents : **Ms. Honey Satpal, Advocate for R.P.
Ms. Misha and Ms. Jasveen Kaur, Advocates for
'CoC'**

O R D E R

03.10.2018 This appeal has been preferred by IFCI Limited who claim to be a 'Financial Creditor' against the order dated 25th July, 2018 passed by the Adjudicating Authority (National Company Law Tribunal), Chandigarh Bench, Chandigarh in C.A. Nos. 61/2018, 77/2018, 177/2017, 178/2018 & 72/2018 IN CP(IB) No. 42/Chd/Hry/2017 whereby and whereunder the claim of the appellant being 'Financial Creditor' on the basis of 'letter of Comfort' has been rejected.

2. It is not in dispute that the impugned order dated 25th July, 2018 was communicated by the 'Resolution Professional' to the appellant on 26th July, 2018 but the appeal was not filed within the prescribed period of limitation. As this Appellate Tribunal has no jurisdiction to condone the delay beyond fifteen

days apart from thirty days period prescribed for filing the appeal in terms of sub-section (2) of Section 61 of the I&B Code, the prayer of condonation of delay is rejected.

3. In view of the rejection of the application for condonation of delay, the appeal is also not maintainable. However, learned Senior Counsel appearing on behalf of the appellant submits that against the same very impugned order, another 'Financial Creditor – Central Bank of India' has already moved before this Appellate Tribunal, which is likely to be listed on 4th October, 2018.

4. In this regard, we give liberty to the appellant to assist this Appellate Tribunal in other Appeal in which the same very impugned order dated 25th July, 2018 is under challenge.

5. The appeal is dismissed being barred by limitation but with the aforesaid liberty.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

/ns/gc/