

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

**Company Appeal (AT) (Insolvency) No. 1267 of 2019**

**IN THE MATTER OF:**

**Birla Industries Group Charity Trust** **...Appellant**

**Versus**

**Anil Goel & Anr.** **...Respondent**

**Present:**

**For Appellant:** **Mr. Rajiv Rajan Senior Advocate with  
Ms.Aliya Durafshan, Ms.Anju Jain, Mr.Hitesh Sachar  
Ms.Namita Jose, Advocates.**

**For Respondent:** **Mr.Kanishk Khetan, for Respondent No.1  
Ms.Suchitra Valjee with Mr.N.Kartik for R-2**

**O R D E R**

**18.11.2019:** The Respondent- 'Edelweiss Asset Reconstruction Co. Ltd'- ('Financial Creditor') filed an application under Section 7 of the Insolvency and Bankruptcy Code, 2016 (for short IBC) for initiation of Corporate Insolvency Resolution Process ('for short CIRP') against 'M/s.Birla Cotsyn (India) Limited' ('Corporate Debtor'). The Adjudicating Authority ('National Company Law Tribunal'), Mumbai bench, Mumbai, by impugned order dated 20.11.2018 admitted the application.

Learned Counsel appearing on behalf of the Appellant submits that default has taken place on 29.10.2012 and the application is barred by limitation. The Adjudicating Authority has also noticed that the claim is barred by Limitation, which is noticed at para 10 of the impugned judgement. But in spite of the same, Application under Section 7 of I&BC, 2016 has been admitted.

However, in view of the fact that the appeal has been preferred before this Appellate Tribunal after delay of 1(one) year, in view of sub-section (2)

of Section 61 of IBC this Appellate Tribunal has no jurisdiction to condone the delay beyond 15 days after 30 days of filing of the appeal. We are not deciding the case on merit. The Appeal is accordingly dismissed as barred by Limitation.

[Justice S. J. Mukhopadhaya]  
Chairperson

[Justice Bansi Lal Bhat]  
Member(Judicial)

[Justice Venugopal M.]  
Member (Judicial)

Rk/sk