NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Comp. App. (AT) (Insolvency) No. 796 of 2020

IN THE MATTER OF:

Maharashtra State Electricity Distribution ... Appellant

Versus

Sai Wardha Power Generation Ltd and Anr. ... Respondents

Present:

For Appellant: Mr. Udit Gupta, Mr. Anup Jain and Mr. Ashish Singh,

Advocates

For Respondents: Mr. Ajith S. Ranganathan and Mr. Ankur Kashyap,

Advocate for R-1

ORDER (Through Virtual Mode)

18.09.2020 This appeal has been preferred under Section 61 of the '1&B Code' with prayer for condonation of delay for a period of 153 days. Section 61(2) of the '1&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.

Learned counsel for the Appellant submits that Rule 11 of the National Company Law Appellate Tribunal Rules, 2016 ('NCLAT Rules', for short) can be invoked to mitigate the hardship in genuine cases where sufficient ground/lawful excuse is assigned for delay beyond 45 days. We are afraid this argument cannot be accepted for the mere reason that Rule 11 of the NCLAT's Rules vesting the inherent powers in this Tribunal cannot be invoked and such

powers cannot be exercised against an express provision of the statute. The prayer is rejected.

The appeal is dismissed as being barred by limitation.

[Justice Bansi Lal Bhat] Acting Chairperson

[Justice Anant Bijay Singh] Member (Judicial)

[Dr. Ashok Kumar Mishra] Member (Technical)

/ns/md/

Comp. App. (AT) (Insolvency) No. 796 of 2020