

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Comp. App. (AT) (Insolvency) No. 799 of 2020

IN THE MATTER OF:

Mrs. Jamal Ahmad

...Appellant

Versus

**Reliance Nippon Life Asset Management
& Anr.**

...Respondents

Present:

For Appellant :

**Mr. Arvind Kamath K., Senior Advocate with
Mr. Ashok Bannidinni and Mr. Amoghavarsha,
Advocates**

For Respondents :

**Mr. Amit Agarwal, Ms. Radhika Yadav and
Mr. Kushagra Agarwal, Advocates for R-1**

O R D E R

(Through Virtual Mode)

18.09.2020 The appeal is hopelessly barred by limitation. There is a delay of 387 days. Section 61(2) of the 'I&B Code' prescribes a period of 30 days for filing of appeal and the proviso appended thereto vests 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 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.

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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/

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