

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI
Company Appeal (AT) (Insolvency) No. 753 of 2020

IN THE MATTER OF:

Naval Kumar Bhoot

...Appellant

Versus

Hasti Mal Kachhara & Anr.

...Respondents

Present:

For Appellant: Mr. Suraj Singh Shekhawat, Advocate

For Respondents: Mr. Ayush J Rajani, Advocate with Mr. Hasti Mal Kachhara, RP for R-1.

Mr. Nishant Singhal, Advocate for R-2.

ORDER
(Through Virtual Mode)

04.09.2020: A ground is carved out for condonation of delay of 10 days beyond the prescribed period of 30 days in preferring the instant appeal which has been filed on 7th August, 2020 and the period after imposition of lockdown on 20th March, 2020 till date, in terms of the order passed in suo moto jurisdiction, continues to be exempted for computation of limitation. I.A. no. 2018 of 2020 is disposed of.

2. After hearing learned counsel for the parties we find that in so far as impugned order relates to MA-3693/2019, same has been disposed of with direction to admit the claim of the Landlord in terms of earlier order passed by the Adjudicating Authority on 03.09.2019, legality whereof has not been assailed in appeal.

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3. As regards MA-4060/2019, the Registrar of Companies has been directed to condone delay and extend time for conducting of AGM of Corporate Debtor. Such extension is for a short period of 10 days. It is not in dispute that holding of AGM is a statutory requirement under the Companies Act, 2013. Viewed in this context extension of time for the reasons assigned cannot be said to be an arbitrary exercise of power.

4. In so far as other MAs are concerned, Para 8 of the impugned order explicitly records the factum of such MAs being open to consideration, same having been slated for hearing on 06.03.2020. Further development in this regard is not known.

5. Having conspectus of the factual backdrop as emanating from the impugned order, we find that there is no scope for judicial intervention in the impugned order. The appeal is accordingly dismissed.

**[Justice Bansi Lal Bhat]
Acting Chairperson**

**[V. P. Singh]
Member (Technical)**

**[Dr. Alok Srivastava]
Member (Technical)**

am/gc