

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

**Company Appeal (AT) (Insolvency) No. 507 of 2019**

**IN THE MATTER OF:**

**Mr. Devanathan Ranganathan**

**...Appellant**

**Vs.**

**IDBI Bank Limited & Anr.**

**...Respondents**

**Present: For Appellant: - Mr. M.K.S Menon and Ms. Diyangna Malik, Advocates.**

**For Respondents: - None.**

**O R D E R**

**23.05.2019**— This appeal has been preferred by the Appellant- Mr. Devanathan Ranganathan against the order dated 25<sup>th</sup> February, 2019 passed by the Adjudicating Authority (National Company Law Tribunal), Division Bench, Chennai, whereby the Adjudicating Authority admitted the application under Section 7 of the Insolvency and Bankruptcy Code, 2016 ("I&B Code" for short) filed by 'M/s. IDBI Bank Limited'- ('Financial Creditor').

2. Learned counsel for the Appellant submits that the claim of the Bank and the date of default both are barred by limitation. However, we are not inclined to accept such submission.

3. Admittedly, the loan amount of the 'Corporate Debtor' was classified as 'Non-Performing Assets' (NPA) on 30<sup>th</sup> June, 2015 in accordance with the guidelines of the 'Reserve Bank of India'. Even

Contd/-.....

thereafter the 'Corporate Debtor' having not paid back the amount to the Bank, recall notice dated 13<sup>th</sup> November, 2015 was sent to the 'Corporate Debtor' and thereafter, the 'Corporate Debtor' having not repaid the amount, the application under Section 7 was filed on 24<sup>th</sup> October, 2018.

4. For counting the period of limitation in filing the appeal under Section 7, we find that Part II of Third Division of Schedule of Limitation Act, 1963 i.e. Article 137 is applicable, which reads as follows:

Part II-OTHER APPLICATION		
Description of application	Period of Limitation	Time from which period begins to run When the right to apply accrues
137. Any other application for which no period of limitation is provided elsewhere in this division.	Three years	

5. The 'I&B Code' having come into force since 1<sup>st</sup> December, 2016 and the application having been filed on 24<sup>th</sup> October, 2018, we hold that the application under Section 7 is well within the time and is not barred by limitation. Further, as we find that the default has occurred after notice issued on 13<sup>th</sup> November, 2015 and application having been filed on 24<sup>th</sup> October, 2018, we hold that the claim is also not barred by limitation.

6. For the reasons aforesaid, we are not inclined to interfere with the impugned order dated 25<sup>th</sup> February, 2019. The appeal is accordingly dismissed. No costs.

(Justice S.J. Mukhopadhaya)  
Chairperson

(Justice A.I.S. Cheema)  
Member(Judicial)

(Kanthi Narahari)  
Member(Technical)

Ar/g