NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Review Application No. 05 of 2020 IN Company Appeal (AT) (Insolvency) No. 1306 of 2019

IN THE MATTER OF:

Excise and Taxation Department Sonipat, Haryana ...Appellant Vs.

M/s. Sunstar Overseas Ltd. & Anr.

...Respondents

Present: For Appellant: - Ms. Manisha Agrawal and Mr. Narain, Advocates.

For Respondents: - Mr. Naveen Kumar, Mr. Mohak Sharma and Mr. A. Anand, Advocates for RP.

ORDER

13.03.2020— Ms. Manisha, learned counsel for the Appellant submits that she was not present on the date the order was passed by this Appellate Tribunal on 17th January, 2020. It is submitted that a petition for condonation of delay was filed on 16th December, 2019 which is already on record. However, the same has not been taken into consideration and on wrong presumption, the appeal was dismissed on the ground of delay beyond 15 days from the date of 30 days in preferring the appeal.

According to the Appellant, the impugned order dated 12th September, 2019 was not communicated to the Appellant. Having come

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to know, it was filed immediately along with petition for condonation. If

it is counted from the date of knowledge, it is well within 30 days of the

date of knowledge.

Having heard learned counsel for the Appellant and Mr. Navin

Kumar, learned counsel for the 'Resolution Professional', we recall the

order dated 17th January, 2020 passed in Company Appeal (AT)

(Insolvency) No. 1306 of 2019.

Review Application No. 05 of 2020 is allowed.

Company Appeal (AT) (Insolvency) No. 1306 of 2019 be listed 'for

admission (fresh case)' on 19th March, 2020.

[Justice S.J. Mukhopadhaya]

Chairperson

(Justice Bansi Lal Bhat)

Member(Judicial)

Ar/G

Review Application No. 05 of 2020

Company Appeal (AT) (Insolvency) No. 1306 of 2019