

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 871 of 2020

IN THE MATTER OF:

**BCIL Red Earth Developers Pvt. Ltd.
Ministry of Corporate Affairs
Through, Registrar of Companies, Karnataka**

...Appellant

Versus

**Amit Chandrakant Shah,
Resolution Professional & Ors.**

...Respondents

Present:

For Appellant: Mr. P. S. Singh, Advocate.

For Respondents: Mr. Sanjay Gupta and Ms. Chitra Bhat, Advocates for R-1.

**O R D E R
(Through Virtual Mode)**

09.10.2020: The copy of impugned order alongwith the relevant documents having been communicated to the Appellant on 10th June, 2020, when lockdown on account of outbreak of COVID-19 declared as pandemic was in force, coupled with the fact that the Appellant was not a party to the proceedings before the Adjudicating Authority, we find that there is no delay in preferring the instant appeal as the order passed in suo moto proceedings for exclusion of period of lockdown from computation for purposes of limitation in filing appeal is still in force. Thus, the appeal has been preferred within time. I.A. No. 2371 of 2020 stands disposed of.

The issue raised in this appeal is that the Adjudicating Authority (National Company Law Tribunal), Bengaluru Bench passed impugned order without providing opportunity of hearing to the Appellant (Central Government) and that the Adjudicating Authority was not competent to straightaway direct any investigation to be conducted by SFIO.

Issue notice upon Respondents. Notice on behalf of Respondent No.1 is waived and accepted by Shri Sanjay Gupta, Advocate. Appellant to provide complete set of appeal paper book to learned counsel for Respondent No.1 within 3 days. Learned counsel for Respondent No. 1 may file reply affidavit alongwith his vakalatnama within two weeks. Rejoinder, if any, may be filed within two weeks thereof.

Let notice be issued on Respondent Nos. 2 to 6. Appellant to provide mobile Nos./e-mail address of the Respondents. Notice be issued through e-mail or any other available mode. Requisites along with process fee be filed within three days.

List the matter 'for admission (after notice) on **20th November, 2020**.

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

**[Justice Jarat Kumar Jain]
Member (Judicial)**

**[Kanthi Narahari]
Member (Technical)**

am/gc