

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

**Company Appeal (AT) (Insolvency) No. 78 of 2021**

**IN THE MATTER OF:**

**Damodar Valley Corporation**

**...Appellant**

**Versus**

**VSP Udyog Pvt. Ltd. & Ors.**

**...Respondents**

**Present:**

**For Appellant: Mr. Gopal Jain, Sr. Advocate with  
Ms. Madhumita Bhattacharjee, Advocate and  
PCS Arti Jain**

**For Respondent: Mr. Raj Singhania, RP in person, R-2.  
Mr. Kumarjit Banerjee, Mr. Gaurav Gupta and  
Mr. Akash Khattar, Advocates for R-3.**

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

**09.02.2021** Heard Learned Counsel for the Appellant and Learned Counsel for the Respondents. The Learned Counsel for the Appellant submits that in view of the Orders of the Hon'ble Supreme Court extending time in the matter of Suo Moto Writ Petition Civil No. 03 of 2020 dated 23<sup>rd</sup> March, 2020 there is no delay as the time of Period of Appeal did not start running. It is stated that the Impugned Order was passed on 20<sup>th</sup> October, 2020 and even if it is looked at from normal procedure there is some delay in filing of the Appeal which is of 10 days beyond the period of Appeal of 30 days and the same deserves to be condoned.

Learned Counsel for the Respondent No. 3 objects saying that this Court can not invoke the discretionary part for condoning delay. However, as it appears to us that the basic running of time itself does not start as the Impugned Order was passed during the Covid-19 Lockdown Period, we find that this Appeal may not be treated as beyond Limitation.

The Interlocutory Application No. 172 of 2020 is allowed accordingly.

The Respondent No. 2 is present in person and he is the Chairperson of the Monitoring Committee of Respondent No. 1. Mr. Kumarjit Banerjee, Advocate appears on behalf of Successful Resolution Applicant-Respondent No. 3.

Appellant to serve the copies of the Appeal to Respondents. Respondents to file Reply-Affidavits within two weeks. Rejoinder, if any, may be filed within a week, thereafter.

List the Appeal 'For Admission (After Notice)' Hearing on **08<sup>th</sup> March, 2021.**

**[Justice A.I.S. Cheema]**  
**Member (Judicial)**

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

Basant B./md/

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