

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL**

**PRINCIPAL BENCH**

**NEW DELHI**

**COMPANY APPEAL (AT)(INSOLVENCY) NO.262 OF 2021**

**In the matter of:**

Chandan Mitra

Appellant

Vs

Amit Goel & Anr

Respondent

**Present:**

Mr.Vishnu Sharma, Ms Cherry Gupta, Ms Anupama Sharma, Mr. Anuj Tiwari, Advocates for appellant.

Mr.Amit Goel, Mansih Kaushik, Advocate for R1.

Mr. Ritesh Agarwal, Advocate for R2/IRP.

**ORDER**

**31.03.2021-** The appellant seeks condoning of 14 days of delay in preferring the instant appeal. The impugned order appears to have been passed on 10<sup>th</sup> January, 2021, while the instant appeal has been filed on 19<sup>th</sup> March, 2021 i.e. beyond the ordinary limitation period of 30 days and the extended period of 45 days as prescribed under Section 61 of IBC. However, this Appellate Tribunal in Suo Moto Company Appeal(AT)(Insolvency) No.01/2020 vide order dated 30<sup>th</sup> March, 2020 extended the period of limitation which has been withdrawn in terms of order dated 18<sup>th</sup> March, 2021. The appellant submits that in context of the aforesaid order no period is required to be condoned.

IA No.6112021 is disposed off.

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IA No.610/2021 is disposed off with direction to the appellant to file certified copy of the impugned order within one week of the same being made available to appellant.

This appeal has been preferred against the admission of application under Section 7 of IBC Code in terms of the impugned order dated 19<sup>th</sup> January, 2021 at the hands of Adjudicating Authority, National Company Law Tribunal, New Delhi Bench III. The issue raised in this appeal is that Respondent No.1 has initiated CIRP fraudulently.

We are told that Company Appeal (AT)(Insolvency) No.128 of 2021 has been preferred against the same impugned order. It was posted for Admission (After Notice) on 26<sup>th</sup> March, 2021. However, it got notified as the Court did not hold sitting on that day.

Issue notice upon respondents.

Mr Amit Goel, learned counsel appeared and accepted notice on behalf of Respondent No.1.

Mr. Ritesh Agarwal, learned counsel appeared and accepted notice on behalf of Respondent No.2.

No further notice be issued on the Respondents.

Learned counsel for the Respondents may file their reply affidavits alongwith Vakalatnama within two weeks. Rejoinder thereto, if any, may be filed by the Appellant within two weeks thereof. Short written submissions

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not exceeding three pages supported by compilation of relevant judgement may also be filed alongwith the pleadings.

Post the matter for admission (after notice) on **3rd May, 2021** alongwith **Company Appeal (AT) (Insolvency) No.128 of 2021..**

**(Justice Bansi Lal Bhat)**  
**Acting Chairperson**

**(Dr. Ashok Kumar Mishra)**  
**Member (Technical)**

**Bm/gc**