

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 647-650 of 2018

IN THE MATTER OF:

ROC, Bangalore & Anr.

...Appellants

Vs

Namaste Exports

....Respondent

With

Company Appeal (AT) (Insolvency) No. 651-652 of 2018

IN THE MATTER OF:

ROC, Bangalore & Anr.

...Appellants

Vs

South India Cements Ltd.

....Respondent

Present:

**For Appellants: Mr. Gaurav Rohilla and Mr. Asghwani Bharadwaj,
Advocates, Mr. C.V. Sanjeevan, ROC, Bangalore.**

O R D E R

21.12.2018 These appeals have been preferred by the ROC Bangalore and Ministry of Corporate Affairs under Section 61 of Insolvency and Bankruptcy Code, 2016 (henceforth 'I&B Code') against the orders dated 12.02.2008, 09.03.2009, 18.11.2013 and 24.05.2016 passed by Board for Industrial and Financial Reconstruction under the provisions of Sick Industrial Companies (Special Provisions) Act, 1985.

On earlier date, we pointed out a similar matter placed for consideration before this Appellate Tribunal and our decision dated 28th May, 2018 in "**Pr. Director General of Income Tax (Admn. & TPS) Vs. M/s Spartek Ceramics India Ltd. & Anr**". – Company Appeal(AT)(Insolvency) No. 160 of 2017 etc.

We held that the appeal under Section 61 of I & B Code is not maintainable against the order of Board for Industrial and Financial Reconstruction.

Following decision in Company Appeal(AT)(Insolvency) No. 160 of 2017 (supra) we also dismiss these two appeals being not maintainable under Section of 61 of I&B Code being barred by limitation. However, order passed in these appeals will not come in the way of Appellant- ROC Bangalore or Ministry of Corporate Affairs to move before any forum for appropriate relief.

Both the appeals stand disposed of with the aforesaid observations.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

Akc/Gc