

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

**Interlocutory Application No.2129 of 2019 with
Company Appeal (AT) (Insolvency) No. 695 of 2019**

IN THE MATTER OF:

State of Odisha Appellant

Vs

M/s. Bhushan Steel Ltd. & Anr. Respondents

Present:

**For Appellant: Mr. S. Sankar Mishra and Mr. Niranjan Sahu,
Advocates.**

**For Respondents: Mr. V.P. Singh, Mr. Aditya Jalan and Mr.
Aman Sharma, Advocates for Tata Steel BSL
Ltd.**

ORDER

09.07.2019 Heard Counsel for the Appellant and Advocate Shri V.P. Singh appearing on behalf of Tata Steel BSL Ltd.

The Interlocutory Application No.2129 of 2019 filed by the Appellant for delay condonation states that the Appeal is against order dated 5th of May, 2018 (should be 15th of May, 2018) and the application further mentions that the Appellant came to know about the order through newspapers on 1st February, 2019. Still the present Appeal has been filed only on 3rd May, 2019. Learned Counsel for the Appellant states that the concerned Departments took lot of time to decide as to who will file the Appeal and because of this there was delay.

Section 61 of the Insolvency and Bankruptcy Code, 2016 (I&B Code), which deals with the filing of Appeal to this Tribunal in sub-section (2) reads as under: -

“61 Appeals and Appellate Authority.—(1)

Notwithstanding anything to the contrary contained under the Companies Act, 2013 (18 of 2013), any person aggrieved by the order of the Adjudicating

Authority under this part may prefer an appeal to the National Company Law Appellate Tribunal.

(2) Every appeal under sub-section (1) shall be filed within thirty days before the National Company Law Appellate tribunal:

Provided that the National Company Law Appellate Tribunal may allow an appeal to be filed after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing the appeal but such period shall not exceed fifteen days.”

Considering the proviso of sub-section (2) of Section 61, we have authority to condone the delay, if there is sufficient cause only to the extent of fifteen days. Apparently, the present Appeal is hopelessly time barred and we have no jurisdiction to entertain the same. The Application for condonation of delay is rejected. The Appeal is disposed of as time barred.

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

[Kanthi Narahari]
Member (Technical)

Ash/GC