

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 785 of 2019

IN THE MATTER OF:

Prayag Polytech Private Limited Appellant

Vs

Sivalik Enterprises Private Limited Respondent

Present:

**For Appellant: Mr. Vipul Ganda and Ms. Shreya Jain,
Advocates.**

For Respondent:

O R D E R

02.08.2019 The Appellant has preferred this Appeal against the order passed by the Adjudicating Authority (National Company Law Tribunal), Bench-III, New Delhi, whereby, application under Section 7 of the Insolvency and Bankruptcy Code, 2016 (in short 'I&B Code') preferred by the Appellant was dismissed with cost of Rs.1 lakh.

2. Learned Counsel appearing on behalf of the Appellant argued on merits to suggest that the Appellant is a 'Financial Creditor' and there was a debt payable, which the 'Corporate Debtor' defaulted.

3. However, from the record we find that the Appeal has been preferred after delay of 52 days and in view of the proviso to sub-section (2) of Section 61 of the I&B Code, this Appellate Tribunal has no jurisdiction to condone the delay of more than 52 days after the expiry of the period of 30 days for filing an Appeal.

4. For the reason aforesaid, we are not expressing any opinion on the merits of the Appeal and the Appeal is dismissed being barred by limitation.

[Justice S. J. Mukhopadhaya]
Chairperson

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

[KanthiNarahari]
Member (Technical)