

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI
Company Appeal (AT) (Insolvency) No. 1070 of 2020

In the matter of:

ADS Resources Ltd.

....Appellant

Vs.

Shilpi Cables Technologies Ltd.

....Respondent

Present:

**Appellant: Mr. Chandra Shekhar Yadav, Ms. Gitanshi Arora,
Advocates.**

**Respondent: Mr. P.S. Bindra, Advocate.
Ms. Simran Jeet, Ms. Sonali Mehta, Mr. Akshay Goel,
Advocates.**

ORDER

(Through Virtual Mode)

16.12.2020: I.A. No. 2885 of 2020 has been filed by the Appellant for exemption from filing certified copy of the impugned order dated 17th July, 2020. Appellant shall file certified copy of the impugned order within two weeks from the date same is made available to him.

Heard learned counsel for the Appellant regarding condonation of delay. Having regard to the grounds projected in para 3 of I.A. No.2885 of 2020 and the fact that the limitation has been relaxed in *suo moto* jurisdiction order passed by the Hon'ble Apex Court as well as by this Appellate Tribunal which is in force till date, coupled with the fact that free certified copy of the impugned order has not been provided to the Appellant, we condone the delay in preferring the appeal. I.A. No. 2885 of 2020 stands disposed of.

Liquidator has rejected the claim of the Appellant and appeal preferred against such rejection styled as an application under Rule 11 of the

Contd/-.....

NCLAT Rules, 2016 has been dismissed by the Adjudicating Authority (National Company Law Tribunal), Principal Bench, New Delhi. Learned counsel for the Appellant submits that since the order has been passed on merit, it tantamounts to an order passed in appeal but no reason has been assigned for rejection of Appellant's claim on reappraisal of the material which supports the Appellant. It is contended that the impugned order suffers from non-application of mind.

Issue notice upon Respondent. Notice on behalf of Respondent is waived and accepted by Mr. P.S. Bindra, Advocate. No further notice need be issued to him. Reply affidavit may be filed by the Respondent within 10 days. Rejoinder, if any, be filed within 10 days thereof.

Written submissions not exceeding two pages may also be filed by the parties along with the pleadings supported by the relevant case law.

List the appeal 'for admission (after notice)' on 12th January, 2021.

[Justice Bansi Lal Bhat]
Acting Chairperson

[Justice Anant Bijay Singh]
Member (Judicial)

[V.P. Singh]
Member (Technical)

AR/g