

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**  
**Company Appeal (AT) (Insolvency) No. 413 of 2020**

**In the matter of:**

**Anumati Consultancy & Services Pvt. Ltd.**

**....Appellant**

**Vs.**

**Wellside Global Pvt. Ltd.**

**....Respondent**

**Present:**

**Appellant: Mr. Arvind Nayar, Sr. Advocate with Mr. Apoorv Shukla and Ms. Upasana Chandrashekar, Advocates.**

**Respondent: Mr. Kumar Mihir, Advocate.**

**ORDER**

**12.03.2020:** This appeal has been preferred by Appellant – ‘Anumati Consultancy & Services Pvt. Ltd.’ (Financial Creditor) against order dated 14<sup>th</sup> January, 2020 passed by the Adjudicating Authority (National Company Law Tribunal), Kolkata Bench by which the application under Section 7 has been dismissed. There being a delay of 11 days in preferring the appeal, being satisfied of the grounds same is condoned. I. A. No. 1088 of 2020 stands disposed of.

2. From the record in the impugned order we find that in terms of the agreement, the default cannot be said to have occurred as delivery of the flats was to be given upto May, 2020. It is also not disputed that Buyer of the flats is a Financial Creditor in terms of provisions of Section 7 of the Insolvency and Bankruptcy Code, 2016. It is also undisputed fact that the buyer in question

i.e. the Appellant is the only Buyer and as per the agreement the extended period for delivery of the flats was upto May, 2020. In this background, if the Adjudicating Authority has not entertained the application being pre-mature, we are not inclined to interfere with the same. Appeal is dismissed. No costs.

**[Justice S. J. Mukhopadhaya]**  
**Chairperson**

**[Justice Bansi Lal Bhat]**  
**Member (Judicial)**

**[Shreesha Merla]**  
**Member (Technical)**

*am/gc*