

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
Company Appeal (AT) (Insolvency) No. 156 of 2021**

In the matter of:

Starlog Enterprises Ltd.

....Appellant

Vs.

Avil Menezes, IRP for AMW Motors Ltd.

....Respondent

Present:

**Appellant: Mr. Amit Pai, Mr. Kumar Vaibhav, Ms. Bhavana
Duhoon, Advocates.**

**Respondent: Mr. Bishwajit Dubey, Ms. Srideepa Bhattacharyya,
Advocates.**

ORDER

(Through Virtual Mode)

05.03.2021: IA. No.360 of 2021: Having heard learned counsel for the Appellant and taking into consideration the fact that the certified copy of the impugned order dated 15th December, 2020 was provided to Appellant on 29th December, 2020 whereas the appeal was filed on 12th February, 2021 i.e. within the extended time of 45 days in terms of the provisions of Section 61(2) of the Insolvency and Bankruptcy Code, 2016 ("I&B Code" for short) and that apart, keeping in view the direction passed by the Hon'ble Apex Court in suo moto jurisdiction as also by this Appellate Tribunal extending the limitation w.e.f. 25th March, 2020 i.e. the day when nationwide lockdown came to be imposed in the wake of outbreak of COVID-19 which continues to be in force even today, we find that there is no delay in preferring the appeal. I.A. No. 360 of 2021 is disposed off.

I.A No.362 of 2021 has been filed by the Appellant for seeking exemption from filing certified/ true copies of the annexures and photocopies. I.A. No. 362 of 2021 stands disposed off with direction to the Appellant to file certified/ true copies of the annexures and photocopies within one week.

Contd/-.....

The issue raised in this appeal preferred against the order dated 15th December, 2020 passed by the Adjudicating Authority (National Company Law Tribunal), Ahmedabad Bench, Court-2, rejecting the prayer of Appellant to classify it as Financial Creditor is that the Adjudicating Authority has not dealt with the issue, that a part of the debt was in the form of inter corporate loan owed by the Corporate Debtor and the loan had been recalled in 2018 bringing the claim within limitation.

Issue Notice upon Respondent. Notice on behalf of Respondent is waived and accepted by Mr. Bishwajit Dubey, Advocate. No further notice need be issued to him. Respondent may file reply-affidavit within 10 days. Rejoinder, if any, be filed within 10 days thereof. Short written submissions not exceeding three pages may also be filed by the parties along with the pleadings supported by the relevant case law. Caveat No. 17 of 2021 stands discharged.

List the appeal 'for admission (after notice)' on 6th April, 2021 before Court No.II.

[Justice Bansi Lal Bhat]
Acting Chairperson

[Dr. Ashok Kumar Mishra]
Member (Technical)

AR/g