

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Insolvency) No. 215 of 2021

IN THE MATTER OF:

Ravindra G. Sapkal

...Appellant

Versus

**Samata Nagari Sahkari Patsanstha Maryadit,
Kopargaon**

...Respondent

Present:

**For Appellant: Mr. Arun Kathpalia, Sr. Advocate with Ms. Divya Parab
and Mr. Devesh Agrawal, Advocates.**

**For Respondent: Mr. Abhinav Goyal and Mr. Raghunath Sarangapani,
Advocates.**

ORDER
(Through Virtual Mode)

22.03.2021: The issue raised in this appeal preferred against admission of application filed under Section 7 of the Insolvency and Bankruptcy Code, 2016 (for short 'I&B Code') in terms of order dated 19th February, 2021 passed by the Adjudicating Authority (National Company Law Tribunal) Mumbai Bench, Court No. 5 is that the same is hit by limitation, it being pointed out that while the date of default is recorded as 30th November, 2013 and the application under Section 7 of the I&B Code was filed on 22nd November, 2019. That part, it is submitted that the Corporate Debtor has not been provided fair opportunity of contesting the application.

Issue notice upon Respondents. Notice on behalf of Respondent is waived and accepted by Mr. Abhinav Goyal, Advocate. No further notice needs to be served on Respondent.

Let reply affidavit be filed by the Respondent within one week. Rejoinder thereto, if any, may be filed by the Appellant within one week thereof. Short written submissions, not exceeding three pages, together with compilation of relevant judgments may be filed alongwith the pleadings.

Post the matter 'for admission (after notice)' before Court No. II on **6th April, 2021**.

I.A. No. 496 of 2021 is disposed off with direction to file certified copy of the impugned order within one week of same being made available to the Appellant.

Notice as above. Learned counsel for the Appellant submits that the Committee of Creditors has been constituted. In view of the grounds projected in the appeal, as an ad-interim it is provided that the Committee of Creditors may conduct its meetings but no decision may be taken by it in regard to approval of Resolution Plan or Liquidation of the Corporate Debtor. I.A. No. 495 of 2021 stands disposed off.

**[Justice Bansi Lal Bhat]
Acting Chairperson**

**[Dr. Ashok Kumar Mishra]
Member (Technical)**

am/gc