

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL**  
**NEW DELHI**

**IA No.825 of 2020**  
**and**

**Company Appeal (AT) (Ins) No.312 of 2020**

[Arising out of Order dated 18.10.2019 passed by National Company Law Tribunal, Mumbai Bench, Mumbai in MA 1614/2018 & MA 1037/2019 in CP (IB) 1833/MB/2017]

**IN THE MATTER OF:**

**Before NCLT**

**Before NCLAT**

1. Shri Sushil  
S/o Atmaram Jejani  
Suspended Director  
of Jejani Pulp and  
Paper Mills Pvt. Ltd.  
Opp. Navaidyam  
Estoria, Surya Nagar,  
Nagpur – 35

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Appellant No.1

2. Shri Sushil  
S/o Atmaram Jejani  
Proprietor - Atmaram  
Paper Craft Industries,  
136-A, Small Factory  
Area, Bagadganj,  
Bhandara Road,  
Nagpur – 440035,  
Maharashtra, India

...

Appellant No.2

**Versus**

1. Shri Prasad Dharap,  
(Liquidator of  
Jejani Pulp and  
Paper Mills Pvt. Ltd.)  
47, Kachipura,  
Ramdespeth,  
Nagpur – 440008

Liquidator

Respondent No.1

2. J.M. Financial Asset  
Reconstruction Company  
7<sup>th</sup> Floor, Cnergy,  
Appasaheb Marathe  
Marg, Prabhadevi,  
Mumbai – 400025  
Maharashtra, India

Applicant/  
Financial Creditor

Respondent No.2

**For Appellants: Shri Anish Gupta and Shri Adarsh Tripathi, Advocates**

**For Respondents: Shri Udit Gupta, Advocate (R-1)  
Shri Abhishek Anand and Ms. Honey Satpal, Advocates (R-2)**

**ORDER**

**24.02.2020** Heard Counsel for the Appellant Shri Anish Gupta, Advocate. Advocate - Abhishek Anand is present for Respondent No.2 - J.M. Financial Asset Reconstruction Company. Advocate - Shri Udit Gupta is present for Respondent No.1 – Liquidator. Perused IA No.825 of 2020. The Appeal is apparently time barred as condonation of delay of 87 days is sought. Under Section 61 of Insolvency and Bankruptcy Code, 2016, limitation for Appeal is 30 days, and thereafter, 15 days can be condoned by this Tribunal for sufficient cause.

2. At this stage, the learned Counsel for the Appellant, on instructions, states that he has instructions to withdraw the Appeal but he only wants to make a request that the Appellant may be permitted to take recourse to Section 230 of the Companies Act , 2013 read with provisions of Insolvency and Bankruptcy Code, 2016 in terms of Judgement in the matter of **“Y. Shivram Prasad Vs. S. Dhanapal & Ors.”** in Company Appeal (AT) (Insolvency) No. 224 of 2018, dated 27<sup>th</sup> February, 2019.

3. As the Appeal is time barred, we have no jurisdiction to even grant any liberty. If the Appellant is entitled, the concerned Liquidator would naturally consider the law.

The Appeal is disposed of as withdrawn.

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

(Justice A.B. Singh)  
Member (Judicial)

[Kanthi Narahari]  
Member (Technical)

*/rs/md*