

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

COMPANY APPEAL (AT)(INSOLVENCY) No.40 of 2019

In the matter of:

Dhiren Dave

Applicant

Vs

Pantomath Capital Advisors Pvt Ltd

Respondent

Mr. Aaditya A Pande, Advocate for Applicant.

Mr K. Dutta, Mr Ishan Ravindranath, Ms Pallavi Srivastava, Advocates for Respondent.

ORDER

30.08.2019- Heard learned counsel for the parties on the issue of limitation.

2. Admittedly the instant appeal against the order of dismissal of application filed under Section 9 of the Insolvency & Bankruptcy Code, 2016 by the present appellant, operational creditor, for initiation of Corporate Insolvency Resolution Process has been filed on 12th December, 2018 i.e after 49 days of passing of impugned order dated 23rd October, 2018. The period of limitation in terms of provisions of Section 61 of the Insolvency & Bankruptcy Code, 2016 has to be computed from the date of the pronouncement of the impugned order as held in the judgement of Coordinate Bench of this Appellate Tribunal in "*Prowess International Private Ltd vs Action Ispat & Power Private Ltd, Company Appeal (AT)(Insolvency) No.223 of 2017*". The appellant was the petitioner appearing in person when impugned order of dismissal was passed and had the knowledge of impugned order. Learned counsel for appellant tried to persuade us to allow him to file an application for condonation of delay but we find that since this Appellate

Tribunal has no jurisdiction to condone the delay beyond 15 days in addition to the prescribed period of 30 days for filing of appeal, filing of such application would be an unnecessary exercise, fate whereof is inevitable dismissal. The appeal is accordingly dismissed as being barred by limitation.

(Justice Bansi Lal Bhat)
Member (Judicial)

(Mr. Balvinder Singh)
Member (Technical)

Bm/nn