

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI
Company Appeal (AT) (Insolvency) No. 1098 of 2020

In the matter of:

Saboo Tor Pvt. Ltd.

....Appellant

Vs.

Mr. Sanjay Gupta & Anr.

....Respondents

Present:

Appellant: Mr. Harshit Agarwal, Mr. Aasheesh Kumar, Advocates.

Respondents: Mr. Abhishek Anand, Mr. Kunal Godhwani, Advocates for R1.

ORDER

(Through Virtual Mode)

23.12.2020: In view of the ground urged and keeping in view the directions given by the Hon'ble Apex Court in *suo moto* jurisdiction as also by this Appellate Tribunal in *suo moto* jurisdiction in regard to extension of period of limitation, delay of 9 days in preferring the appeal is condoned. I.A. No.2957 of 2020 stands disposed of.

In terms of the impugned order dated 5th November, 2020 passed by the Adjudicating Authority (National Company Law Tribunal), Principal Bench, New Delhi, Appellant's application for refund of earnest money has been rejected on the ground that he had participated in bidding process being fully aware of the Terms and Conditions which he did not adhere to. The issue raised in this appeal is that the lockdown having been imposed on 23rd March, 2020 in the wake of outbreak of COVID-19 Pandemic it was beyond the control of the Appellant to pay 25% amount of the bid amount and in that regard he had intimated the Respondents.

Contd/-.....

Issue notice upon Respondents. Notice on behalf of Respondents is waived and accepted by Mr. Abhishek Anand, Advocate. No further notice need be issued to him. In view of the short issue involved and there being no controversy with regard to dates and events, we deem it appropriate to allow the parties to file short written submissions instead of pleadings. Such written submissions not exceeding two pages be filed within two weeks.

List the appeal 'for admission (after notice)' on 7th January, 2021 at 2.00 P.M.

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

**[Justice Anant Bijay Singh]
Member (Judicial)**

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

AR/g