

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

**Company Appeal (AT) (Insolvency) No. 992 of 2019**

**IN THE MATTER OF:**

Amit Singhal & Anr. .... Appellants

Vs

Experion Developers Pvt. Ltd. .... Respondent

**Present:**

**For Appellants: Mr. Aditya Parolia, Mr. Piyush Singh and Mr. Nithin Chandran, Advocates.**

**For Respondent: Mr. NPS Chawla and Mr. Sujoy Datta, Advocates.**

**ORDER**

**26.09.2019** The Appellants claimed to be allottees preferring this Appeal against order dated 17<sup>th</sup> July, 2019 passed by the Adjudicating Authority (National Company Law Tribunal), New Delhi, Bench-III, rejecting the application under Section 7 of the Insolvency and Bankruptcy Code, 2016 (for short the 'I&B Code') filed by the Appellants.

2. The Appeal has been filed 26 days beyond the 30 days' period for preferring the Appeal and, therefore, this Appellate Tribunal has no jurisdiction to entertain the Appeal in terms of sub-section (2) of Section 61 of the Insolvency and Bankruptcy Code, 2016 (for short 'I&B Code'). Learned Counsel for the Appellant tried to explain the reasons for preferring the appeal after 56 days from the impugned order, i.e., 26 days beyond the 30 days' period prescribed for filing the Appeal, but the question of condonation of delay does not arise.

3. On merits, the learned Counsel for the Appellant submitted that they are the allottees. On the other hand, according to the learned Counsel for the Respondent the installment amount having been not paid by the Appellants in terms of the Agreement, the Agreement was cancelled in the year 2015 and the amount was refunded. Subsequently, the Appellants have moved before the Consumer Forum for refund of the said amount.

4. In the present case, we are not going into the merit, as we have no jurisdiction to entertain the Appeal, which is accordingly dismissed.

[Justice S. J. Mukhopadhaya]  
Chairperson

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

[Kanthi Narahari]  
Member (Technical)