

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) No. 979 of 2019

IN THE MATTER OF:

D & I Taxcon Services Pvt. Ltd. & Anr.

...Appellants

Versus

Vinod Kumar Kothari

...Respondent

Present:

For Appellant : Mr. Tapas Dutta, Appellant in person

**For Respondent : Mr. Anirudh Wadhwa, Advocate
Ms. Nitu Poddar, PCS**

O R D E R

20.09.2019 The Appellant has challenged the order dated 25th June, 2019 passed by the Adjudicating Authority (National Company Law Tribunal), Kolkata Bench, Kolkata after delay of 42 days in preferring the appeal. In the petition for condonation of delay it is mentioned that the Appellant had moved before the Hon'ble High Court of Calcutta and as it had no jurisdiction, moved before this Appellate Tribunal.

Though the valid ground is shown for preferring the appeal after delay of 42 days but in view of sub-section (2) of Section 61 of the 'I&B Code', this Appellate Tribunal cannot condone the delay beyond 15 days in addition to 30 days which is the period of appeal.

In absence of our jurisdiction to condone the delay, the appeal is dismissed being barred by limitation.

[Justice S.J. Mukhopadhaya]
Chairperson

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

[Kanthi Narahari]
Member (Technical)

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