

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 40 of 2020

IN THE MATTER OF:

Mr. Harkirat Sigh Bedi

...Appellant

Vs.

The Oriental Bank of Commerce & Anr.

...Respondents

Present: For Appellant: - Mr. V. Seshagiri and Mr. Siddharth Sachar, Advocates.

O R D E R

09.01.2020— Learned counsel for the Appellant submits that the appeal is not barred by limitation as certified copy of the impugned order was delivered on 20th December, 2019 and the appeal was filed on 2nd January, 2020 i.e. well within the time but to be on safer side, the petition for condonation of delay of 8 days has been filed, in case the delay is counted from the date of the impugned order dated 8th November, 2019.

Having heard learned counsel for the Appellant and being satisfied with the grounds, the delay of 8 days in preferring the appeal is hereby condoned. I.A. No. 119 of 2020 stands disposed of.

Learned counsel for the Appellant submits that the 'Corporate Debtor' is 'Micro, Small & Medium Enterprises' ('MSME') and therefore, Section 29 A of the 'I&B Code' is not applicable.

Though we find that no such plea was taken before the Adjudicating Authority but giving one opportunity, we allow the Appellant to file an Affidavit enclosing the certificate to show that the 'Corporate Debtor' is one of the 'MSME' by 13th January, 2020.

Contd/-.....

-2-

Post the case 'for admission (fresh case)' on 17th January, 2020.

(Justice S.J. Mukhopadhaya)
Chairperson

(Justice Bansi Lal Bhat)
Member(Judicial)

Ar/g