

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

**Company Appeal (AT) (Insolvency) No. 591 of 2019**

**IN THE MATTER OF:**

**Manish Jain**

**...Appellant**

**Vs**

**P. K. Sales Company Pvt. Ltd. & Anr.**

**....Respondents**

**Present:**

**For Appellant: Mr. Sanjeev Sagar and Ms. Nazia Parveen,  
Advocates.**

**For Respondents:**

**ORDER**

**01.05.2019:** This appeal has been preferred by the Appellant, Director/ Shareholder of 'M/s P. K. Sales Company Pvt. Ltd.' against order dated 10<sup>th</sup> October, 2018, which reads as follows:-

**“ORDER**

*Written communication has been placed on record in Form 2 along with the certificate of registration by the proposed liquidator. The Committee of Creditor comprises of only the applicant Bank. In view of the resolution passed by the COC, Mr. Rakesh Bhatia the Insolvency Professional is hereby appointed as the Liquidator to deal with the assets of the Corporate Debtor. Let interim report be filed.”*

2. As the present appeal has been preferred after delay of 228 days, this Appellate Tribunal has no jurisdiction to condone the delay in the view of Section 61(2) of the Insolvency and Bankruptcy Code, 2016. However, the order passed by the Adjudicating Authority or by this Appellate Tribunal will not come in the way of the Liquidator to proceed in accordance with the decision of this Appellate Tribunal in **“Y. Shivram Prasad Vs. S. Dhanapal & Ors. etc. – Company Appeal (AT) (Insolvency) No. 224 of 2018 & 286 of 2018’, disposed of on 27<sup>th</sup> February, 2019”**.

3. The appeal stands disposed of with aforesaid observation. No costs.

[Justice S. J. Mukhopadhaya]  
Chairperson

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

(Kanthi Narahari)  
Member (Technical)

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