

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

**Company Appeal (AT) (Ins) No. 254 of 2020**

**IN THE MATTER OF:**

**Doshion Pvt. Ltd.**

**....Appellant**

**Vs.**

**Phoenix ARC Pvt. Ltd.**

**....Respondent**

**Present:**

**For Appellant: Mr. Pradhuman Gohil, Advocate**

**For Respondent:**

**O R D E R**

**11.02.2020:** Heard the Learned Counsel for the Appellant/ Respondent. A mere reading of the Impugned Order dated 18.12.2019 passed by the Adjudicating Authority (National Company Law Tribunal), Ahmadabad Bench, latently and patently indicates that the order in CP (IB) 63/2018 was reserved on 18.12.2019 after hearing the respective Learned Counsels appearing for the parties and were granted Liberty to file written submissions, if any, within one week.

Ordinarily a 'Right to Appeal' is a statutory one. It is to be pointed out that although Section 61 (2) of the I&B Code speaks of filing of every Appeal under sub Section 1 of Section 61 within 30 days before the National Company Law Appellate Tribunal, in the considered view of this Tribunal, it does not speak of 'starting period of Limitation' for filing of an Appeal. However, Section 61 of the I&B Code can be interpreted in such a manner that an 'Aggrieved person' must file an Appeal from the date of 'pronouncement of the order'.

Be that as it may, admittedly, in the instant case in main matter 'order' was reserved by the Adjudicating Authority and in as such the Appellant/ Respondent cannot be characterised as an 'aggrieved or affected' person because of the fact that no final order is passed till date.

Viewed in the perspective, this Tribunal is of the subjective earnest opinion that an 'Appeal' under Section 61 of the I&B code is ex-facie not maintainable in the eye of Law. Resultantly, the Appeal is devoid of merits and same is dismissed but without cost.

[Justice Venugopal M.]  
Member (Judicial)

[V. P. Singh]  
Member (Technical)

*sa/rr*

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