

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 297 of 2020

IN THE MATTER OF:

Edgewood Networks Pvt. Ltd.

...Appellant

Versus

Houston Technologies Ltd.

...Respondent

For Appellant: Mr. Aditya Shankar, Mr. Shahrukh Ahmed, Ms. Niharika Singh, Advocates

For Respondent: None

O R D E R

16.03.2020 Heard Learned Counsel for the Appellant with regard to delay in filing of the Appeal. It is argued by Learned Counsel that the order was passed on 25th November, 2019 and the Appellant had applied for Certified Copy on 17th January, 2020 and received the copy on 03rd February, 2020 and thus, the Appeal filed on 07th February, 2020 is with a delay of only 15th Days according to the Learned Counsel and thus, the delay may be condoned.

We have gone through the Application for condonation of delay. What can be seen from the record is that after the Impugned Order was passed on 25th November, 2019, the Application for Certified Copy was filed after 36 days on 17th January, 2020. The copy was ready on 23rd January, 2020 and even signed by the concerned officer on 23rd January, 2020. The Appellant went to take delivery only on 03rd February, 2020. The Learned Counsel now says that as 26th January, 2020, preparations were going on, the Registry was not properly functioning and so copy was received late. However, no such ground is taken in the Application. We find that as per the Insolvency and Bankruptcy Code, 2016 under Section 61 we can condone delay only of 15 days beyond the period of

Appeal of 30 days. This being so, the present Appeal filed is time barred as the period consumed is about 50 days.

The Appeal is dismissed as time barred.

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

[V.P. Singh]
Member (Technical)

[Alok Srivastava]
Member (Technical)

Basant B./md

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