

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**Company Appeal (AT) (Ins) No. 789 of 2019 with
I.A. No. 2294 of 2019****IN THE MATTER OF:****Shaji Purushothaman****...Appellant****Versus****Edelweiss Asset Reconstruction Company Ltd. & Ors. ...Respondents****Present:****For Appellant: Mr. Aditya Shankar, Mr. Vibhu Anshuman, Mr. Rohit Rajershi, Mr. Varun Jamval, Mr. Karuppaiah Meyyappan, Ms. Kanika Kalaiyarasan and Ms. Nidhi Sahay, Advocates****For Respondents: Mr. Arun Kathpalia, Sr. Advocate with Mr. R.P. Agrawal, Mr. Prateek Kushwaha and Ms. Deepali, Advocates****ORDER**

27.09.2019: Heard Learned Counsel for the Appellant regarding application for condonation of delay. The present appeal has been filed against the impugned order dated 02.05.2019 whereby the whole claim of Respondent – ‘Edelweiss Asset Reconstruction Company Ltd.’ was directed to be processed by the Resolution Professional for the purpose of ‘Committee of Creditors’.

The I.A. No. 2294 of 2019 has been filed by the Appellant claiming that the appellant came to know about the impugned order dated 03.05.2019 (pronounced on 02.05.2019) only on 11.07.2019. However, the Learned Counsel for Respondent No. 1 is referring to the affidavit filed by this

Respondent wherein at Page 20 there is copy of the email sent by the Resolution Professional - 'S Rajendran' on 18.05.2019 which shows as one of the attachment the impugned order dated 02.05.2019. Thus, it is argued by the Learned Counsel for the Respondent that the Appellant - 'Shaji Purushothaman' was already forwarded a copy of the impugned order dated 02.05.2019 on 18.05.2019. He states that present appeal therefore, is clearly time barred. Learned counsel for the appellant states that the appellant was in such a condition that the appellant did not access his email and thus according to the counsel the delay may be condoned in interest of justice.

After knowledge on 18.05.2019 present appeal was filed after 55 days. We find that as per sub section 2 of Section 61 we have powers to condone period of fifteen days after expiry of initial period of appeal of thirty days. We have no jurisdiction to condone more than 15 days.

In this circumstance, we find that the present appeal is time barred and same is not entertained accordingly.

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

[Kanthi Narahari]
Member (Technical)

sa/sk