

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 843 of 2019

IN THE MATTER OF:

M/s. Shameek Breweries Private Limited Appellant

Vs

Manoj Kumar Agarwal & Anr. Respondents

Present:

For Appellant: Mr. Sanklap Sharma, Advocate.

For Respondents:

ORDER

21.08.2019 Counsel for the Appellant submits that the delay is caused because the Appellant had no knowledge of the impugned order dated 26th April, 2019. However, in the Petition for Condonation of Delay, the specific date of knowledge has not been given but the Appellant has counted the number of 18 days' delay in preferring the Appeal.

On merits, it is submitted that the Application under Section 12A was approved by the 'Committee of Creditors' with more than 90% of the voting share and was also approved by the Adjudicating Authority, but it was subsequently recalled by the impugned order dated 26th April, 2019. However, the Appellant has not stated as to whether all the creditors have been provided with the benefit or only the 'Financial Creditor' as we find that

it is a 'Infrastructure Company' and one of the Authorized Representative of the Managing Director of the Company is absconding.

In the circumstances, we allow a week's time to the Appellant to file a proper Petition for Condonation of Delay giving the specific date of knowledge of the impugned order.

Post the case 'for orders' on **2nd September, 2019**.

[Justice S. J. Mukhopadhaya]
Chairperson

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

[Kanthi Narahari]
Member (Technical)