

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) No. 602 of 2018

IN THE MATTER OF:

Electro Mech Engineers **...Appellant**

Versus

Electrosteel Steels Ltd. & Ors. **...Respondents**

Company Appeal (AT) (Insolvency) No. 603 of 2018

IN THE MATTER OF:

Khurana Engineering Company **...Appellant**

Versus

Electrosteel Steels Ltd. & Ors. **...Respondents**

Company Appeal (AT) (Insolvency) No. 604 of 2018

IN THE MATTER OF:

Electronic India **...Appellant**

Versus

Electrosteel Steels Ltd. & Ors. **...Respondents**

Company Appeal (AT) (Insolvency) No. 605 of 2018

IN THE MATTER OF:

Khenco Cranes and Machineries **...Appellant**

Versus

Electrosteel Steels Ltd. & Ors. **...Respondents**

Present:**For Appellants: Mr. Akshit Pradhan, Advocate****For Respondents : Ms. Honey Satpal, Advocate****Ms. Misha, Mr. Viajayant Paliwal and Ms. Jasveen Kaur, Advocates for R.P.****ORDER**

04.10.2018 All these appeals have been filed after a delay of more than 90 days against the order dated 17th April, 2018. Against the said order 'Naskar's Delco Mechanical Engineering Pvt. Ltd.' moved before this Appellate Tribunal in 'Company Appeal (AT)(Insolvency) No. 478 of 2018' after delay of 15 days wherein this Appellate Tribunal passed the following order on 24.08.2018:

"This appeal has been preferred by M/s Naskar's Delco Mechanical Engineering Pvt. Ltd. against order dated 17th April, 2018 passed by the Adjudicating Authority (National Company Law Tribunal), Kolkata Bench alongwith petition for condonation of delay. From the date of the order, there is a 91 days delay and from the date of knowledge i.e. 1st July, 2018, as informed by the learned counsel for the Appellant, there is delay of more than 50 days in preferring the appeal. In the appeal a vague statement has been made that he came to know about the order from some other Operational Creditor in the second week of the July, 2018 but such statement is not based on any evidence and is also vague in absence of a specific date. Therefore, the appeal cannot be entertained

in terms of sub-section (2) of Section 61 of Insolvency and Bankruptcy Code, 2016.

2. *Apart from the aforesaid fact we have noticed that the resolution plan submitted by M/s. Vedanta Ltd. has already been approved by the Committee of Creditors, Adjudicating Authority and this Appellate Tribunal by its judgment dated 10th August, 2018 in “Renaissance Steel India Pvt. Ltd. Vs. Electrosteels Steel India Ltd.” in Company Appeal (AT) (Insolvency) No. 175, 223, 221, 233, 267 & 357 of 2018, has also affirmed the approval of the resolution plan. In that view of the matter, after approval of the resolution plan and takeover of the Corporate Debtor by Vedanta and after long delay, we are not inclined to deliberate on the issue raised in this appeal. It is accordingly dismissed. No cost.”*

These appeals being covered by the aforesaid decision, we dismiss these appeals on the ground mentioned in the aforesaid order. No cost.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

/ns/gc/