

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

**COMPANY APPEAL(AT)(INSOLVENCY) NO.726 OF 2018**

**IN THE MATTER OF:**

Asha Goyal

Appellant

Vs

Pharma Traders Pvt Ltd

Respondents

**For Appellant:-** Ms Nivedita R Sarda and Mr. Nitesh Shrivastava, Advocates.

**For Respondents: -** Mr. Vijayesh Atre, Advocate.

**JUDGEMENT**

**19.03.2019** - A preliminary objection has been raised by learned counsel for the respondents to the maintainability of the appeal on the ground that the same is barred by limitation. The appellant seeks condonation of 3 days' delay in filing the instant appeal on account of illness being of old age rendering him unable to undertake journey to Delhi for preferring the appeal. However, on perusal of the impugned order we find that the certified copy of the order was prepared on 25.9.2018 while the order had been pronounced on 20<sup>th</sup> September, 2018. Period of 30 days has been prescribed for filing the appeal in terms of Section 61(2) of the Insolvency and Bankruptcy Code, 2016 which is extendable by 15 days. Admittedly 45 days had already expired by the time when the instant appeal was filed on 16.11.2018. That being the factual position, this Appellate Tribunal not having jurisdiction to condone the delay beyond 45 days, the appeal is liable to be dismissed on this ground alone. Application for condonation of delay is accordingly rejected. The appeal is also dismissed.

(Justice Bansi Lal Bhat)  
Member (Judicial)

(Mr. Balvinder Singh)  
Member (Technical)

Bm/nn