

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Insolvency) No. 162 of 2021

IN THE MATTER OF:

Monoranjan Roy

....Appellant

Vs

Bengal Polypet

....Respondent

Present:

**For Appellant: Mr. Bishwajit Bhattacharyya, Sr. Advocate with
Mr. Abhijit Bhattacharyya and Mr. Sumant De,
Advocate.**

For Respondent:

ORDER
(Through Virtual Mode)

05.03.2021: Some of the issues raised in this appeal preferred against the impugned order dated 30th September, 2019 passed by the Adjudicating Authority (National Company Law Tribunal), Kolkata Bench Kolkata ordering liquidation of the Corporate Debtor – “M/s Pincon Spirits Ltd.” are that the Corporate Debtor was not provided opportunity of hearing, the valuation of the Receivables was not carried out by the Resolution Professional and virtually a fraud was perpetrated upon the Corporate Debtor for a fault attributable to an entity which is a government department.

I.A. No. 372/2021

Appellant also seeks condonation of delay of 388 days in preferring the appeal primarily of the ground that the Appellant has been in custody since December,

Cont'd..../

2017 and has not been served by National Company Law Tribunal. It is submitted by Shri Bishwajit Bhattacharyya, Senior Advocate appearing on behalf of the Appellant that the office of the Corporate Debtor was sealed, thus service of notice was not effected on the Appellant. With reference to page 85 of the appal paper book it is submitted that after the Appellant was made aware of the proceedings before National Company Law Tribunal and passing of the impugned order, he engaged his counsel in the month of November, 2020. Thus, the appeal came to be filed on 14th December, 2020. It is submitted that the appeal has been preferred within the period of extended time of limitation from the date of the knowledge of the impugned order.

Let notice be issued upon Respondent in the main appeal as also in I.A. No. 372 of 2021. Appellant to provide mobile Nos./e-mail address of the Respondent. Requisites along with process fee be filed within three days. Notice be issued through e-mail or any other available mode.

List the appeal 'for admission (after notice)' on **13th April, 2021**.

**[Justice Bansi Lal Bhat]
Acting Chairperson**

**[Dr. Ashok Kumar Mishra]
Member (Technical)**

am/gc

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