

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

**Company Appeal (AT) (Insolvency) No. 882 of 2019**

**IN THE MATTER OF:**

**Manoj Kumar Ram & Ors.**

**...Appellants**

**Vs.**

**M/s. Stesalit Ltd. & Ors.**

**...Respondents**

**Present: For Appellants: - Mr. Arvind Kumar Shukla, Mr. B.K. Shukla, Mr. Nihal Ahmad and Mr. Kunal Yadav, Advocates.**

**O R D E R**

**30.08.2019—** This appeal has been preferred by the Appellants against the order dated 20<sup>th</sup> July, 2018 passed by the Adjudicating Authority (National Company Law Tribunal), Kolkata Bench, Kolkata, after a delay of 359 days.

2. Learned counsel appearing on behalf of the Appellants submits that the Appellants are the employees, but the 'Successful Resolution Applicant' has not yet implemented the 'Resolution Plan' and the plan is also detrimental, therefore, the present appeal has been preferred.

3. It is further submitted that the Appellants moved before an appropriate forum for providing relevant documents and having no order passed therein, filed the present appeal. However, as this Appellate Tribunal has no jurisdiction to condone the delay beyond 15 days' after

Contd/-.....

passing of 30 days for preferring the appeal, in terms of proviso to sub-section (2) of Section 61 of the Insolvency and Bankruptcy Code, 2016, hence this appeal being not maintainable, we are not inclined to interfere with the impugned order dated 20<sup>th</sup> July, 2018.

4. However, if the 'Resolution Plan' having approved by the Adjudicating Authority but has been contravened by the concerned 'Corporate Debtor' ('Successful Resolution Applicant'), any person whose interests are prejudicially affected by such contravention, may make an application to the Adjudicating Authority for a liquidation in terms of Section 33(3), which may be decided uninfluenced by the order passed by this Appellate Tribunal.

The appeal stands disposed of with aforesaid observation. No costs.

(Justice S.J. Mukhopadhaya)  
Chairperson

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

(Kanthi Narahari)  
Member(Technical)

Ar/g