

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI

Company Appeal (AT) (Ins) No. 775 of 2023 &
I.A. No. 2605 of 2023

IN THE MATTER OF:

Directorate of Enforcement

...Appellant

Vs.

Committee of Creditors & Ors.

...Respondents

Present:

For Appellant: **Mr. Prateek Kumar, Ms. Vaishnavi Chillakuru, Ms. Moha Paranjpe, Advocates**

For Respondent: **Mr. Gopal Jain, Sr. Advocate, Mr. Shashank Agarwal, Advocate for R-2**
Mr. Siddhant Kant, Ms. Charu Bansal, Mr. Krishan Singhal, Advocates for R-1

ORDER

04.07.2023: Heard Learned Counsel Mr. Varun Mishra appearing for the Appellant.

IA No. 2605 of 2023 – This is an application praying for condonation of delay of 789 days in filing the appeal. The order impugned was passed by the Adjudicating Authority on 14.12.2020. The Appellant has filed this appeal on 13.03.2023.

3. Learned Counsel for the Appellant submits that Appellant came to know about the related party only in the end of the March, 2023 and then appeal was

filed on 13.03.2023. He submit that limitation for filing the appeal shall run only when Appellant came to know about the related party. He relies on Section 17 of the Limitation Act.

4. Learned Counsel for the Respondent has refuted the submission and submitted that limitation for filing the appeal starts on the date when the order was pronounced.

5. Learned Counsel for the Respondent has placed reliance on the judgement of **Hon'ble Supreme Court in V.Nagarajan Vs. SKS Ispat & Power Ltd. & Ors. (2022) 2 SCC 244.**

6. It is further submitted that Appeal filed by the Appellant with similar delays has already been rejected. Reference has been made to the order of this Tribunal dated 16.11.2022 in *Comp. Appl.(AT)(Ins.) No. 1087 of 2022 in the matter of Directorate of Enforcement Vs. Prashant Jain.*

7. We have considered the submission of the Learned Counsel for the Appellant and perused the records.

8. The limitation to file the appeal as per the judgement of **Hon'ble Supreme Court in V.Nagarajan Vs. SKS Ispat & Power Ltd. & Ors. (2022) 2 SCC 244** shall commence when the order was pronounced, the said limitation cannot be remain suspended till the Appellant came to know about the relevant facts for filing the appeal.

9. We do not find any substance in the submission of the Appellant on basis of which the delay in filing the appeal can be condoned. The delay condonation application is dismissed. ***The memo of appeal is rejected.***

[Justice Ashok Bhushan]
Chairperson

[Mr. Barun Mitra]
Member (Technical)

ss/nn