

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

**Company Appeal (AT) (Insolvency) No. 984 of 2022**

**IN THE MATTER OF:**

**Hertz Technologies Pvt. Ltd. & Ors.**

**...Appellants**

**Versus**

**Netizen Engineering Pvt. Ltd.,  
Erstwhile Reliance Infocom Engineering Ltd.**

**...Respondents**

**Present:**

**For Appellant:** Mr. D.V. Raghu V., Advocate

**For Respondent:** Kumar Anurag Singh, Zain A Khan, Shwetank Singh,  
Advocates

**ORDER**

**18.10.2022:** Heard Learned Counsel for the Appellant.

2. This Appeal has been filed against the Order dated 18<sup>th</sup> January, 2022. By which Order, the Adjudicating Authority has dismissed Section 9 Application filed by the Appellant as barred by time.

3. The Appellant has filed the Section 9 Application on 26<sup>th</sup> April, 2019. Invoices were issued by the Appellant in the year 2011-12 and last payment as per the case of the Appellant was made on 11<sup>th</sup> March, 2016.

4. Learned Counsel for the Appellant challenging the Order dated 18.01.2022 submits that there was acknowledgement by the Respondent hence he shall have the benefit of extension of limitation under Section 18 of the Limitation Act, 1963. He has relied on Email dated 29<sup>th</sup> April, 2017 which was in reply to the Email sent by the Appellant. Both the Emails are at the page 472 of the Appeal Paper Book. In the Email sent by the Appellant, following is stated:

*“Dear Gurjit Sir,  
I had visited april 2016 for submitting out misplaced bills from Merrut MCN. Till date our files are lying in MCN. I had also told you on phone and on mail also regarding same. So please atleast after one year forward our files to Lucknow so it will process for payments.  
Regards  
Kiran Chavan  
For Hertz Technologies Pvt. Ltd.”*

5. The Reply has been sent by the Respondent which is to the following effect:

*“....  
I have told you to please share the complete list of sites where you have done the installation of IBS works till date. (Submitted 31 sites only)  
Same complete list I have demanded from Arun Sharma also but sorry to say that I have not received the complete list of site where you both have done the work in coordination with each other.  
All works has been done by you under Mr. Arun Sharma & business team. You are requested to please coordinate with him & close you pending invoices and reconciliation also.  
Regards  
Gurjit Singh  
DGM-Project”*

6. We have looked into the Emails which have been relied on by the Appellant. The email dated 29<sup>th</sup> April, 2017 can not be read to be an acknowledgement of debt so as to give benefit of extension of limitation under Section 18 of the Limitation Act to the Appellant.

7. The Adjudicating Authority has rightly taken the view that Application having been filed beyond three years as provided under Article 137, dismissed as barred by time.

8. We see no reason to entertain this Appeal. The Appeal is dismissed as barred by time.

**[Justice Ashok Bhushan]  
Chairperson**

**[Dr. Alok Srivastava]  
Member (Technical)**

**[Mr. Barun Mitra]  
Member (Technical)**

*Basant/nn*