

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 406 of 2018

IN THE MATTER OF:

**LML Mazdoor Ekta Sangathan
Through ITS Secretary Ram Kumar Trivedi** **...Appellant**

Vs.

**The National Company Law Tribunal,
Allahabad & Anr.** **...Respondents**

Present: For Appellant: - Ms. Amiy Shukla, Advocate.

ORDER

31.07.2018— The Appellant has preferred the appeal against the order dated 2nd April, 2018 after delay of thirty-eight days and therefore, an application for condonation of delay has been filed.

2. Free certified copy of the order was handed over by the office of the Adjudicating Authority (National Company Law Tribunal) to the Appellant on 11th April, 2018. From the record, we find that the appeal was presented on 19th June, 2018 thus there is a delay of thirty-eight days.

3. Section 61 of the Insolvency and Bankruptcy Code, 2016 relates to "*Appeals and Appellate Authority*". In terms of sub-section (2) therein, the appeal is required to be filed within thirty days. As per the proviso of sub-section (2), the Adjudicating Authority may allow an appeal to be filed

Contd/-.....

after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing the appeal but such period cannot exceed fifteen days.

4. In the present case, as we find that the appeal has been preferred thirty-eight days beyond thirty days, we hold that we have no jurisdiction to condone the delay.

5. The appeal is accordingly dismissed being barred by limitation.

(Justice S.J. Mukhopadhaya)
Chairperson

(Justice Bansi Lal Bhat)
Member(Judicial)

Ar/uk