

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Ins.) No. 374 of 2018

IN THE MATTER OF:

The Karur Vysya Bank (P) Ltd.

...Appellant

Vs.

Anuj Jain, R.P. of Jaypee Infratech Ltd.

...Respondent

**Present: For Appellant: - Mr. Vijay Kumar and Ms. Rekha Anand,
Advocates**

**For Respondents: - Mr. Sanjeev Sen, Sr. Advocate with Mr.
Sanjay Bhati, Ms. Honey Satpal and Mr. Sayam Ray,
Advocates**

O R D E R

02.08.2018— An application for Condonation of Delay has been filed by appellant (Financial Creditor). It is submitted that the impugned order dated 16th May 2018 has not been communicated and appellant having downloaded the same from the website filed the appeal on 2nd July 2018. It is stated that the appellant came to know of the order in middle of June 2018 and thereby there is no delay but technically if it is counted from the date of order, then excluding 30th June and 1st July 2018 which were Saturday and Sunday and the Tribunal was closed, it was filed another 15th day after 30 days, on 2nd July 2018.

Having heard the parties and taking into consideration the facts that the impugned order has not been communicated by the Adjudicating Authority to the appellant and technically there is no delay. Otherwise also, if it is counted from the date of impugned order, it is within 15 days after 30

days of preferring the appeal. For the reasons aforesaid we entertain the appeal. I.A. No. 994 of 2018 is disposed of.

Let notice be issued on the respondents. Mr. Sanjay Bhatt has already appeared on behalf of the respondent. He is allowed to file reply along with Vakalatnama within 7 days. Rejoinder, if any, be filed within 7 days thereof.

Post the matter on 29th August 2018 'for admission'.

In the meantime, counsel for the appellant will file certified copy of the impugned order within 10 days.

(Justice S.J. Mukhopadhaya)
Chairperson

(Justice Bansi Lal Bhat)
Member(Judicial)

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