

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

**I.A. No. 1042 of 2018 in
Company Appeal (AT) (Insolvency) No. 367 of 2018**

IN THE MATTER OF:

**The Board of Trustees for the Port of Kolkata
Rep. by its Constituted Attorney & Anr.**

...Appellant

Vs

**Stewarts and Lloyds of India Ltd.
Rep. by Ms. Mamta Binani, Liquidator**

....Respondent

Present:

For Appellant: Mr. Navneet Duga, Advocate.

For Respondent: Mr. Nakul Mohta, Advocate.

O R D E R

08.08.2018: This appeal has been preferred by Appellant with petition for condonation of delay of 15 days for the grounds mentioned in the petition. From the said petition we find that the impugned order was passed on 04.05.2018 by the Adjudicating Authority and an application for copy was filed on 24.05.2018 which was delivered on 25.05.2018. As per sub-section (2) of Section 61 of the Insolvency and Bankruptcy Code, 2016, the Appellant was required to file appeal within 30 days i.e. by 24.06.2018 but it was filed on 02.07.2018 i.e. after delay of about 8 days.

Having heard learned counsel for the parties and being satisfied with the grounds as shown, the delay of 8 days in preferring the appeal is condoned. I. A. No. 1042 of 2018 stands disposed of.

Learned counsel for the Respondent is allowed 10 days' time to file reply affidavit. Rejoinder, if any, may be filed by the Appellant within 6 days' thereof.

Post the case as first case 'for admission (after notice)' on **5th September, 2018**.

In the meantime, in absence of any order of stay passed by this Appellate Tribunal, the Appellant will allow the Liquidator to make proper valuation of the movable and immovable property of the Corporate Debtor – 'Stewarts and Lloyds of India Limited'.

[Justice S. J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

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