

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

I.A. NO. 795 OF 2017
IN
Company Appeal (AT) (Insolvency) No. 256 of 2017

IN THE MATTER OF:

**AVON Capital, Through Proprietor,
Ravindra Gopal**

...Appellant

Versus

M/s. Tattva & Mittal Lifespaces Pvt. Ltd.

...Respondent

Present:

For Appellant : Mrs. Avnish Ahlawat, Advocate

**For Respondent : Mr. Aditya Thakkar and Mr. Ranjit Shetty,
Advocates**

O R D E R

This appeal has been preferred by Mr. Ravindra Gopal, proprietor of AVON Capital against the order dated 11th July, 2017 passed by the Adjudicating Authority (National Company Law Tribunal), Mumbai Bench after delay of 12 days along with the petition of condonation of delay with grounds mentioned therein. The main plea taken by the appellant is that the free copy of the impugned order was provided to the appellant on 28th September, 2017, whereinafter the appeal was filed on 1st November, 2017.

The respondent has opposed the prayer on the ground that no sufficient cause has been shown to condone the delay.

From the record, as we find that free copy of the impugned order was communicated to the appellant on 28th September, 2017 whereinafter steps was

taken to prefer the appeal. The Demand Draft was prepared on 27th October, 2017 and then the appeal was filed on 1st November, 2017 and as per sub-section (2) of Section 61 of the Insolvency & Bankruptcy Code, 2016 (hereinafter referred to as the, 'I&B Code') the appeal was to be filed within 30 days, there is actual delay of five days in preferring the appeal. We being satisfied with the grounds shown, the five days delay in preferring the appeal is condoned.

I.A. No. 795 of 2017 stands disposed of.

Judgment in the separate sheet.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

9th August, 2018

/ns/

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