

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

**Company Appeal (AT) (Insolvency) No. 34 of 2018**

**IN THE MATTER OF:**

**M/s Eastern Plastix**

**...Appellant**

**Vs**

**M/s Southern Polypet Pvt. Ltd.**

**....Respondent**

**Present:**

**For Appellant: Mr. Anshul Rawat, Advocate.**

**For Respondent: None.**

**ORDER**

**30.01.2018.** This appeal has been preferred by the Appellant M/s Eastern Plastix against order dated 31<sup>st</sup> August, 2017 passed by Adjudicating Authority (National Company Law Tribunal) Chennai Bench in CP No. CP/474/(IB)/CB/2017 along with the petition for condonation of delay.

The appeal has been preferred after delay. From the records we find that the copy of the impugned order dated 31<sup>st</sup> August, 2017 was served upon the appellant on 6<sup>th</sup> September, 2017 and appeal was preferred by appellant and presented on 10<sup>th</sup> October, 2017. In fact the defects have been removed and it was represented on 12<sup>th</sup> January, 2018. In view of the decision of Hon'ble Supreme Court, the date of presenting the case will be taken as date of filing. Therefore, we hold that the appeal has been preferred after delay of 4 days and not 98 days.

Having heard Learned Counsel for the Appellant and on being satisfied with the grounds shown, we condone the delay. I.A. No.25 of 2018 stands disposed of.

Let notice be issued on respondent by speed post. Requisites along with process fee, if not filed, be filed by tomorrow. Post the matter on **13<sup>th</sup> February, 2018.**

(Justice S. J. Mukhopadhaya)  
Chairperson

(Justice Bansi Lal Bhat)  
Member (Judicial)

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