

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 97 of 2018

IN THE MATTER OF:

Mahendra Trading Company & Ors.

...Appellants

Vs

**Hindustan Controls and Equipment
Pvt. Ltd.**

....Respondent

Present:

**For Appellants: Mr. Jishnu Choudhary, Mr. Anil Agarwalla,
Mrs. Neha Sharma, Mr. Aditya Garodia and Mr.
Shkya Sen, Advocates.**

**For Respondent: Mr. Abhijeet Sinha, Mrs. Anusuya Sudha Sinha,
Mr. Saikat Sarkar and Mr. Aditya Sukhla,
Advocates.**

O R D E R

09.07.2018: Admittedly, there is a delay in preferring the appeal. The appeal preferred by the Appellant on the ground of limitation period as 45 days. Learned counsel for the Respondent pointed out that period of 30 days has been prescribed under Section 61(2) of the I&B Code. This apart, it is also submitted by counsel for Respondent that there is existence of dispute though according to learned counsel for the Appellant there is no such objection raised in reply under Section 8(2) given by the Respondent.

On the request of the learned counsel for the Appellant we allow the Appellant to file an application for condonation of delay within a week, if it is not beyond the period prescribed under Proviso of Section 2 of Section 61 of the I&B Code, after serving a copy of the same on learned counsel for the Respondent.

Post the case 'For Orders' on **17th July, 2018** alongwith petition for condonation of delay. If the delay is condoned, this Appellate Tribunal may consider the appeal on merit on the same date.

[Justice S. J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

am/sk