

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) No. 123 of 2017

IN THE MATTER OF:

M/s. B.K.R. Hotels & Resorts Pvt. Ltd.

... Appellant

Versus

Indian Bank

... Respondent

**Present: For Appellant : Shri Subramaniam Prasad, Senior Advocate
with Shri Kumarpal R. Chopra, Advocate**

For Respondent : Shri Brijesh Kumar Tamber, Advocate

ORDER

14.09.2017 It is informed that the Adjudicating Authority (National Company Law Tribunal), Division Bench, Chennai has not forwarded free certified copy of the impugned order dated 30th May, 2017 passed in CP/472(IB)/CB/2017 (IND/822/(IB)/CB/2017. The appellant could come to know of the same on 16th June, 2017 and preferred the appeal on 28th July, 2017. Under sub-section (2) of Section 61 of the Insolvency and Bankruptcy Code, 2016 (hereinafter referred to as 'I&B Code'), the appeal is required to be filed within 30 days. As the date of knowledge of the impugned order to the appellant is 16th June, 2017, the period of 30 days completes on 16th July, 2017. Thus, we find that there is a delay of 12 days in

preferring the appeal which the counsel for the appellant has taken to prepare the appeal.

Having heard the learned counsel for the appellant and the learned counsel for the respondent and being satisfied with the grounds for delay, the delay of 12 days in preferring the appeal is condoned.

Accordingly, I.A. No. 423 of 2017 stands disposed of.

Company Appeal (AT) (Insolvency) No. 123 of 2017 :

The respondent is allowed to file reply affidavit and state whether the learned Adjudicating Authority has issued any notice on the appellant on the first date of appearance and given reasonable opportunity to counter the application preferred by the bank. Reply be filed within ten days. Rejoinder, if any, be filed within a week thereof.

Post the matter on 4th October, 2017.

(Justice S.J. Mukhopadhaya)
Chairperson

(Justice A.I.S. Cheema)
Member (Judicial)

(Balvinder Singh)
Member(Technical)

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