

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) No. 290 of 2017

IN THE MATTER OF:

M/s. Somany Ceramics Limited

...Appellant

Vs

Era Infra Engineering Limited

....Respondent

Present:

For Appellant: Ms. Priya Darshini Arora, Advocate.

**For Respondent: Shri Manou K. Singh, Shri Vineet Arora,
Advocates.**

ORDER

2.11.2017: Heard learned counsel for the appellant and learned counsel for the respondent. It is submitted that admittedly proceeding under section 9 of the Insolvency and Bankruptcy Code, 2016 has been dismissed in default. The matter disposed by the adjudicating authority under the said code would attract section 61 of the Code and present appeal should have been under the Insolvency Code. Learned counsel for the appellant requests for permission to make necessary corrections in this appeal to convert it under section 61 of the Insolvency and Bankruptcy Code, 2016.

The permission is granted. Appellant may do the needful by 3rd of November, 2017 in the registry and the Registrar will then examine the matter from the point of view of limitation etc. under The Insolvency and Bankruptcy Code, 2016 and act accordingly.

Learned counsel for the appellant states that if she finds that there is delay, she will file application for condonation of delay within in one week from today.

This matter to come up on **15th November, 2017** with or without the changeover.

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

(Balvinder Singh)
Member (Technical)

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