

Union Of India vs Apoorva Leasing Finance And Investment ... on 29 January, 2021

Bench: D.Y. Chandrachud, Indira Banerjee, Sanjiv Khanna

CA D.14952/2020

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No of 2021
[Diary No 14952/2020]

Union of India

Versus

Apoorva Leasing Finance and Investment
Co Ltd and Another

ORDER

1 The appeal under Section 423 of the Companies Act 2013 is filed with a delay of 166 days.

2 Under the provisions of Section 423, this Court is empowered to condone a delay (beyond the original period of limitation of 60 days) only to the extent of a further period of 60 days. Hence, since the appeal has been filed beyond the maximum period that can be condoned under the proviso to Section 423, the appeal cannot be entertained and is accordingly dismissed on the ground of limitation.

3 However, since we have not entered upon the merits of the controversy, it only needs to be clarified that the order of the NCLAT, which had come to the conclusion that there was a violation of the principles of natural justice in adhering to the provisions of Section 272(4) of the Companies Act 2013, will not come in the way of the appellant taking recourse to the remedies available in law after following due process.

4 Pending applications, if any, stand disposed of.

.....J. [Dr Dhananjaya Y Chandrachud]J.
[Indira Banerjee]J. [Sanjiv Khanna] New Delhi;

ITEM NO.4

Court 6 (Video Conferencing)

SECTION XVII

S U P R E M E C O U R T O F
RECORD OF PROCEEDINGS

I N D I A

CIVIL APPEAL Diary No.14952/2020 (Arising out of impugned final judgment and order dated 04-12-2019 in CAAT No.88/2019 passed by the National Company Law Apellate Tribunal) UNION OF INDIA Petitioner(s) VERSUS APOORVA LEASING FINANCE AND INVESTMENT Respondent(s) CO. LTD & ANR.

(With appln.(s) for IA No.79052/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.79051/2020-CONDONATION OF DELAY IN FILING APPEAL) Date : 29-01-2021 This petition was called on for hearing today.

CORAM : HON'BLE DR. JUSTICE D.Y. CHANDRACHUD HON'BLE MS. JUSTICE INDIRA BANERJEE HON'BLE MR. JUSTICE SANJIV KHANNA For Petitioner(s) Mr. Balbir Singh, ASG Ms. Aakanksha Kaul, Adv.

Mr. Adit Khorana, Adv.

Mr. Shyam Gopal, Adv.

Mr. Arvind Kumar Sharma, AOR For Respondent(s) UPON hearing the counsel the Court made the following O R D E R 1 The Civil Appeal is dismissed in terms of the signed order.

2 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
Court Master

(Signed order is placed on the file)