

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Insolvency) No. 1446 of 2024

&
I.A. No. 5271 of 2024

IN THE MATTER OF:

**The Assistant Commissioner of Customs,
O/o The Principal Commissioner of Customs** **...Appellant**

Versus

**Kshitiz Chhawchharia,
Liquidator, Concast Steel & Power Ltd.** **...Respondent**

Present:

For Appellant : Mr. Akshay Amritanshu, Advocate.

**For Respondent : Soorjya Ganguli and Ms. Kiran Shah, Advocates
for Liquidator.**

O R D E R
(Hybrid Mode)

13.08.2024: Heard Counsel for the Appellant as well as Counsel for the Respondent.

2. This Appeal has been filed against an Order dated 01.05.2024 passed by the Learned Adjudicating Authority (National Company Law Tribunal, Kolkata Bench, Court – II), by which Order, the Adjudicating Authority has rejected the I.A. 560/2023 filed by the Appellant under Section 42 of the Insolvency and Bankruptcy Code, 2016.

3. The Liquidation Order against the Corporate Debtor was passed on 26.09.2018. Appellant claimed to have filed its Claim before the Liquidator on 16.08.2022.

4. The Adjudicating Authority in Paragraph 24 of the Order has stated:

“24. Since the last date was submission of claim was 26th October, 2018 and the claim was lodged on 16th August, 2022 along with Form C due to the reasons mentioned above and having noted the enormous delay in preferring the claim without any proper

justification and separate application seeking condonation of delay, we deem it appropriate to reject the application.”

5. The only reason mentioned by the Appellant was that they were not aware of the Liquidation Order, hence the delay was caused in filing the Claim. Last date for admission of Claim was 26.10.2018 and the Claim was filed after more than three and a half years.

6. Learned Counsel for the Liquidator submits that substantial assets have already been distributed.

7. The facts of the above case that Adjudicating Authority did not commit any error in rejecting the I.A. 560/2023 filed by the Appellant.

We do not find any merit in the Appeal. The Appeal is dismissed.

[Justice Ashok Bhushan]
Chairperson

[Barun Mitra]
Member (Technical)

[Arun Baroka]
Member (Technical)

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