

ITEM NO.7                      Court 6 (Video Conferencing)                      SECTION XVII

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Civil Appeal No.2719/2020

**KUNWER SACHDEV**

**Appellant(s)**

**VERSUS**

**SU KAM POWER SYSTEMS LIMITED**

**Respondent(s)**

**(With appln.(s) for IA No.60293/2020 - STAY APPLICATION and IA No.60294/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ ANNEXURES)**

**Date : 14-10-2020 This appeal was called on for hearing today.**

**CORAM :**

**HON'BLE DR. JUSTICE D.Y. CHANDRACHUD**  
**HON'BLE MS. JUSTICE INDIRA BANERJEE**

**For Appellant(s)**      **Ms. Richa Kapoor, AOR**  
                                 **Mr. Shiv Shanker Banerjee, Adv.**  
                                 **Mr. Kunal Anand, Adv.**

**For Respondent(s)**    **Ms. Misha, Adv.**  
                                 **Mr. Siddhant Kant, Adv.**  
                                 **Mr. Nikhil Mathur, Adv.**

**Mr. S.S. Shroff, AOR**

**UPON hearing the counsel the Court made the following**  
**O R D E R**

- 1      Ms Misha, learned counsel appearing on behalf the respondent has raised a preliminary objection to the maintainability of the appeal on the ground that it is barred by limitation. Learned counsel submits that the order of the NCLAT was passed on 19 December 2019 and, in terms of the provisions of Section 62(2) of the Insolvency and Bankruptcy Code 2016, the appeal ought to have been filed within a period of 45 days. This Court is, under Section

62(2) of the Code, enabled to condone delay of a further period of 15 days (and no more) in filing the appeal. In this context, learned counsel has placed reliance on the judgment of this Court in ***Bengal Chemists and Druggists Association vs Kalyan Chowdhury*** (2018) 3 SCC 41.

- 2 Ms Richa Kapoor and Mr Kunal Anand, learned counsel, appearing on behalf of the appellant submitted that though the order was pronounced on 19 December 2019, a certified copy was made available on 1 February 2020. According to them, the certified copy was applied for on the date of the pronouncement of the order. In order to enable the Court to consider the question of limitation, we direct that the appellant shall file an affidavit in these proceedings setting out the date on which the certified copy was applied for and the date on which it was made available.
- 3 List the Civil Appeal on 27 October 2020.

(CHETAN KUMAR)  
AR-cum-PS

(SAROJ KUMARI GAUR)  
BRANCH OFFICER