

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Insolvency) No. 268 of 2024

IN THE MATTER OF:

Pramod Chainsing Rajput

...Appellant

Versus

Unique Sugars Ltd. & Anr.

...Respondents

Present:

For Appellant : Mr. Abhijeet Sinha, Sr. Advocate with Mr. Sandeep Deshmukh, Mr. Nishant Sharma, Mr. Saikat Sarkar and Mr. Rakesh K. Sharma, Advocates

For Respondent : None

O R D E R
(Hybrid Mode)

07.02.2024 Learned Counsel for the Appellant submits that the application filed by Operational Creditor was barred by time. The invoices were raised were from 17.03.2015 06.02.2016 and the application was filed in August, 2020. The Adjudicating Authority has relied on the audited annual financial statement from 2016-2017 to 2021-2022, whereas in none of the balance sheet there was any acknowledgment within meaning of Section 18 of the Limitation Act, 1963. The mention of sundry creditors cannot be read as acknowledgement within meaning of Section 18 to the Operational Creditor.

Submissions need scrutiny.

Issue Notice. Requisites along with process fee be filed within three days. Let Reply be filed by the Respondent within two weeks. Two weeks for Rejoinder.

List this Appeal on **12th March, 2024**.

In the meantime, no further steps shall be taken in pursuance of the impugned order. Learned Counsel for the Appellant submits that there are other issues pertaining to the order apart from the limitation.

Learned Counsel for the Appellant seeks liberty to file Additional Affidavit within one week.

**[Justice Ashok Bhushan]
Chairperson**

**[Mr. Barun Mitra]
Member (Technical)**

**[Mr. Arun Baroka]
Member (Technical)**

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