

# Sagufa Ahmed & Ors vs Upper Assam Plywood Products Pvt Ltd & ... on 4 August, 2020

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

I.A. No. 1771 of 2020

with

Company Appeal (AT) No. 118 of 2020

IN THE MATTER OF:

Ms. Sagufa Ahmed & Ors.

...Appellants

Versus

Upper Assam Plywood Products Pvt.

Ltd. & Ors.

...Respondents

Present

For Appellant: Mr. Gunjan Singh and Ms. Pragya Ganjoo, Advocates

For Respondent: Mr. Shekib Ahmed (Party in Person)

## ORDER

(Virtual Mode) 04.08.2020 Heard the Learned Counsel for the Appellant. In this matter, the impugned Judgment was passed on 25th October, 2019 and the Appellant applied for certified copy, (as can be seen from Annexure- A1) on 21st November, 2019. The copy was received on 19th December, 2019. Even if we exclude the period from 21st November, 2019 to 19th December, 2019 the Appeal filed on 20th July 2020 would be time-barred. The Learned Counsel for the Appellant states that there was delay beyond 90 days because of the age factor of the Appellants and that the Appellants are senior citizens and distance from Guwahati to Delhi. Under Section 421 of the Companies Act, the period of Appeal is 45 days and we can entertain the Appeal after expiry of the said period but within a further period not exceeding 45 days. In the present matter, the Appeal was filed on 20th July, 2020. There was lockdown from 23rd March, 2020. But then, it can be seen that before that itself, more than 90 days period had been consumed. By end of February 2020, 98 days appear to have been consumed.

Thus, the Appeal is time-barred and the Appeal is dismissed.

[Justice A.I.S. Cheema] Member (Judicial) [Justice Anant Bijay Singh] Member (Judicial) [Ms. Shreesha Merla] Member (Technical) Basant B/nn / Company Appeal (AT) No. 118 of 2020