

# National Spot Exchange Ltd vs Anil Kohli Rp Of Dunar Foods Ltd on 5 July, 2019

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 683 of 2019

IN THE MATTER OF:

National Spot Exchange Ltd.

.....Appellant

Vs.

Mr. Anil Kohli

RP of Dunar Foods Ltd.

.....Respondent

Present :

For Appellant:

Mr. Arun Kathpalia, Senior Advocate with Mr. Ranjan Kumar Pandey, Mr. Sandeep Bisht, Mr. Anuj Tiwari, Mr. Shikhar Srivastav, Ms. Bani, Advocates

For Respondents:

Mr. anant A.Pavgi, Mr. Abhishek Anand, Advocates

## O R D E R

05.07.2019 - This appeal has been preferred by Appellant against order dated 6th March, 2019 passed by Adjudicating Authority (National Company Law Tribunal), Mumbai Bench.

2. The Appellant preferred claims before the 'Resolution Professional' of 'Dunar Foods Ltd.' ('Corporate Debtor'). The claim was rejected on the ground that the claim relates to the sister concern 'PD Agro Processors Pvt. Ltd.'. The decision of 'Resolution Professional' has been affirmed by the Adjudicating Authority by the impugned order.

3. Learned Counsel appearing on behalf of the Appellant referred to a decree passed in commercial suit No. 11 of 2014 wherein decree has been passed against 'PD Agro Processors Pvt. Ltd.' of Rs. 633,66,98,350.40/- The rate of interest is payable by 'PD Agro Processors Pvt. Ltd.' is 9% p.a. from the date of accrual of the course of action / default.

4. It is stated that pursuant to the decree passed by the Hon'ble Bombay High Court, which was considered by Resolution Professional and was rejected after decision as noticed above.

5. The appeal has been preferred after long delay and delay for condonation of application has been filed. 'Resolution Professional' has rightly pointed out that beyond 45 days, the delay is 44 days, therefore, this Appellate Tribunal has no jurisdiction to condone the delay.

6. Sub-section 2 of Section 61 provides for powers to this Tribunal of only 15 days which it can condone over the period of appeal of 30 days, if there was sufficient cause. For the said reason, this Appellate Tribunal has no jurisdiction to condone the delay beyond 15 days and thereby the appeal

is barred by limitation.

The appeal is dismissed being barred by limitation.

[Justice S. J. Mukhopadhaya] Chairperson [Justice A. I. S. Cheema] Member (Judicial) [Kanthi Narahari] Member (Technical) ss/sk Company Appeal (AT) (Insolvency)No. 683 of 2019