

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) Nos. 1105 - 1106 of 2019

IN THE MATTER OF:

Premco Rail Engineers Ltd.

...Appellant

Versus

**Korba West Power Company Ltd.
And Another**

...Respondents

Present:

**For Appellant : Mr. Swarendu Chatterje and Ms. Pallavi Pratap,
Advocates**

O R D E R

22.10.2019 The Appellant – ‘Premco Rail Engineers (P) Ltd.’ has preferred this appeal against order dated 24th June, 2019 and 5th July, 2019 passed by the Adjudicating Authority (National Company Law Tribunal), Ahmedabad Bench, Ahmedabad approving the ‘resolution plan’. However, both the appeals have been filed after long delay of 64 days and 53 days respectively. Under Section 61(2) of the ‘I&B Code’, this Appellate Tribunal is empowered to condone the delay in preferring the appeal not more than 15 days after the period of 30 days in preferring the appeal. For the said reason, no relief can be granted in an appeal, which is not maintainable.

Learned counsel for the Appellant further submits that against the said order, the appeal has been preferred by ‘Shapoorji Pallonji & Co. Pvt. Ltd.’ in ‘Company Appeal (AT)(Insolvency) No. 816 of 2019’ and the Appellant should be allowed to intervene in the said appeal.

We allow such prayer. The appeal is accordingly dismissed with aforesaid liberty.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice A.I.S. Cheema]
Member (Judicial)

[Kanthi Narahari]
Member (Technical)

/ns/gc