

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Company Appeal (AT) (Ins.) No. 553 of 2022

IN THE MATTER OF:

Hinduja Leyland Finance Ltd.

...Appellant

Versus

Fly Express Logistic Pvt. Ltd.

...Respondent

Present:

For Appellant: Mr. Gulshan Kr. Sachdev, Advocate

For Respondent:

**O R D E R
(Virtual Mode)**

20.05.2022: Heard Learned Counsel for the Appellant.

2. This Appeal has been filed against the Order dated 05th April, 2022 passed by the Adjudicating Authority (National Company Law Tribunal, Allahabad Bench, Prayagraj) by which, the Adjudicating Authority has rejected the Section 7 Application filed by the Appellant on the ground that same is barred by Section 10A of the Insolvency and Bankruptcy Code, 2016.

3. Learned Counsel for the Appellant submits that in the Section 7 Application 'date of default' 24.12.2022 was wrongly mentioned and he wanted to file an amendment Application but since the Company Petition was dismissed on first day of hearing, he could not do so.

4. We have perused the Section 7 Application 'date of default' is clearly mentioned in Part-IV as 24.12.2022 hence the Adjudicating Authority is not in error in rejecting the Application, thus we do not find any ground to

entertain the Appeal however the Appellant is at liberty to initiate fresh proceeding under Section 7 on appropriate materials in accordance with law.

The Appeal is dismissed accordingly.

**[Justice Ashok Bhushan]
Chairperson**

**[Ms. Shreeshha Merla]
Member (Technical)**

**[Mr. Naresh Salecha]
Member (Technical)**

Basant/nn