

NDN 733/2021 (REVIEW APPLICATION)

Present :

Mr. Tarun Rawat with Ms. Neeta Pandit, Advocates for the Applicant

Matter taken up on Registrar's Board for "Removal of Objections".

The Applicant has lodged the proposed Review Application Memo with a prayer to recall and review of the judgment and order dated 01/02/2020 passed by Hon'ble DRT-II, Ahmedabad in OA. No.481/2017 and for stay of the proceedings in RC 01/2020 on the ground that the judgment is ex-facie passed in violation of Section 14 of the Insolvency & Bankruptcy Code, 2016 and in ignorance of the fact that the Applicant was admitted into Corporate Insolvency Resolution Process vide order dated 26/04/2019 passed in CP(IB) No.320 of 2018.

Perusal of Rule 5-A(2) of the Debts Recovery Tribunal (Procedure) Rules, 1993 reveals that application for review is required to be filed within a period of thirty days from the date of the order. In the present case, the Applicant has lodged the present Review Application before this Tribunal on 22/07/2021. The Applicant seeks review of the judgment and order of this Tribunal dated 01/02/2020 passed in OA No.481/2017. Therefore, the Review Application has been filed beyond the prescribed period of limitation and accordingly it is prima facie barred by limitation as prescribed under aforesaid Rule 5-A(2) of the DRT (Procedure) Rules, 1993. The Applicant has not filed any separate application seeking to condone the delay in filing the present Review Application.

In view of the fact that the Applicant has stated that they will not file any application for condonation of delay, the Review Application is not registered for being filed beyond prescribed period of limitation.

Free copy of this order be provided to the applicant.

Date : 17/08/2021

(M. S. YADAV)
I/c Registrar,
DRT-II, AHMEDABAD