

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

Civil Appeal No 2985 of 2020

Union of India

Appellant(s)

Versus

Vijaykumar V Iyer

Respondent(s)

ORDER

- 1 The appeal before the National Company Law Appellate Tribunal was presented on 20 February 2020, in order to challenge a judgment dated 27 November 2019 of the National Company Law Tribunal.
- 2 Section 61(2) of the Insolvency and Bankruptcy Code 2016 provides that an appeal before the NCLAT shall be filed within thirty days. The NCLAT can condone a delay of fifteen days and no more. The appeal before the NCLAT was filed beyond the period of limitation prescribed by Section 61(2) of the Code. Hence, the appeal was barred by limitation. There is no error in the judgment of the NCLAT dismissing the appeal on the ground that it was barred by limitation.
- 3 Mr Tushar Mehta, learned Solicitor General for India states that the issue which was sought to be raised on merits is independently engaging the attention of the NCLAT. The issue which is pending before the NCLAT in

independent proceedings shall not be affected by the dismissal of this appeal, which is on the ground of limitation.

- 4 The civil appeal is accordingly dismissed.
- 5 Pending applications, if any, stand disposed of.

.....J.
[Dr Dhananjaya Y Chandrachud]

.....J.
[M R Shah]

New Delhi;
February 01, 2021
CKB

ITEM NO.2

Court 6 (Video Conferencing)

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No.2985/2020

UNION OF INDIA

Appellant(s)

VERSUS

VIJAYKUMAR V. IYER

Respondent(s)

(With appln.(s) for IA No.81160/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.81163/2020-STAY APPLICATION and IA No.81167/2020-EXEMPTION FROM FILING AFFIDAVIT)

Date : 01-02-2021 This appeal was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE M.R. SHAH

For Appellant(s)

Mr. Tushar Mehta, SG
Mr. Gurmeet Singh Makker, AOR
Mr. Piyush Beriwal, Adv.
Mr. Kanu Agrawal, Adv.
Mohd. Akhil, Adv.
Ms. Swarupama Chaturvedi, Adv.

For Respondent(s)

Mr. Ravi Kadam, Sr. Adv.
Mr. Anoop Rawat, Adv.
Mr. Anuj Berry, Adv.
Mr. Chaitanya Safaya, Adv.
Mr. Saurav Panda, Adv.
Mr. Rishabh Sharma, Adv.
Ms. Ankita Mandal, Adv.
Ms. Salonee Kulkarni, Adv.
Mr. S. S. Shroff, AOR

**UPON hearing the counsel the Court made the following
O R D E R**

- 1 The civil appeal is dismissed in terms of the signed order.
- 2 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
Court Master

(Signed order is placed on the file)