

I. Case Reference

Case Citation	: (2021) ibclaw.in 104 SC
Case Name	: Union of India Vs. Vijaykumar V Iyer
Appeal No.	: Civil Appeal No 2985 of 2020
Judgment Date	: 01-Feb-21
Court/Bench	: Supreme Court of India
Act	: Insolvency & Bankruptcy Code 2016 Mr. Tushar Mehta, SG Mr. Gurmeet Singh Makker, AOR Mr.
Present for Petitioner(s)	: Piyush Beriwal, Adv. Mr. Kanu Agrawal, Adv. Mohd. Akhil, Adv. Ms. Swarupama Chaturvedi, Adv. Mr. Ravi Kadam, Sr. Adv. Mr. Anoop Rawat, Adv. Mr. Anuj Berry,
Present for Respondent(s)	: 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
Coram	: Dr. Justice D.Y. Chandrachud : Mr. Justice Mukeshkumar Rasikbhai Shah

II. Full text of the judgement

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

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