

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.5253 of 2019

Anupam Extractions Ltd., through Rajendrakumar Basudeo Saraf

Versus

M/s. A.K. Corporation, through its Proprietor

Shri Ashokkumar S/o Basudeo Saraf

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri Kartik N. Shukul, Advocate for Petitioner.

Coram : R.K. Deshpande & Vinay Joshi, JJ.

Date : 25th July, 2019

The argument is that the first default occurred on 1-4-2009 and the proceedings under Section 7 of the Insolvency and Bankruptcy Code, 2016 are initiated on 18-7-2018, which are clearly barred by time, as provided under Section 137 of the Limitation Act. The order holding that the said proceedings are within a period of limitation, can be made subject-matter of statutory appeal under Section 61 of the said Code before the Appellate Authority, which has the power to grant interim relief.

Shri Shukul, the learned counsel appearing for the petitioner, seeks protection from this Court till the appeal is filed before the Appellate Authority and the application for grant of interim relief is considered by the said Authority.

We do not find any restriction on the power of the Appellate Authority to pass such an order, as may be deemed fit in the facts and

circumstances of the case.

The petition is dismissed on the ground of availability of alternate remedy.

(Vinay Joshi, J.)

(R.K. Deshpande, J.)