

NATIONAL COMPANY LAW TRIBUNAL  
COURT-V, MUMBAI BENCH

207. APPEAL /40/2023 IN C.P. (IB)/1098(MB)2020

**IN THE MATTER OF**

Kanoria Chembond Private Limited

Vs

Artedz Fabs Limited

Section 7 of the Insolvency & Bankruptcy Code, 2016

**Order Delivered on 25.04.2024**

CORAM:

MS. REETA KOHLI  
MEMBER (J)

MS. MADHU SINHA  
MEMBER (T)

**Appearance through VC/Physical/Hybrid Mode:**

For the Applicant:

Adv. Navin Arora (VC)

For the Respondent/ Liquidator:

Adv. Nitu Chaturvedi (VC)

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**ORDER**

**APPEAL/40/2023**

1. The prayer in the present appeal is for considering the claim of the appellant to the tune of Rs. 58,83,773/-. The case of the appellant is that the corporate debtor was admitted to CIRP on 18.02.2021. The liquidation order was passed by the Hon'ble NCLT on 06.10.2022. The appellant submits that he filed his claim on 04.02.2023 and the said claim was rejected by liquidator on 06.02.2023 without any consideration and hence the present appeal is filed.

2. The respondent/liquidator has filed his detailed reply stating therein that the liquidation commencement date is 06.10.2022. Public notice was given on 28.10.2022 and the last date of submission of claim was stated to be

24.11.2022. The appellant filed its claim on 04.02.2023 and the said claim was rejected by the liquidator vide email dated 05.02.2023. The case of the liquidator further is that the assets of the corporate debtor were sold through auction and sale certificate was issued to the auction purchaser on 07.06.2023. The Ld. Counsel for the liquidator further contended that the appeal if any is to be filed against the decision of the liquidator within period of 14 days in terms of Section 42 of IBC. In this case not only the claim of the appellant was a highly belated claim but also the present appeal is also belated and in addition no prayer for condonation of delay has been made by the appellant. The contention of the respondent is that in view of the submissions made, the present appeal deserves to be rejected as presently there are no assets of the corporate debtor left in the hands of the respondents.

3. In view of the submissions made by both the Ld. Counsels and in view of the fact that all the assets of the corporate debtor already stand distributed and the liquidator having been left with no assets and in view of the fact that the present appeal is also a highly belated appeal with no prayer for condonation of delay. Thus, we deem it appropriate to dismiss the present appeal. Ordered accordingly.

Sd/-  
MADHU SINHA  
Member (Technical)  
Shubham

Sd/-  
REETA KOHLI  
Member (Judicial)