

**NATIONAL COMPANY LAW TRIBUNAL**

**NEW DELHI BENCH**

(IB) 41 (ND)/2017

**CORAM:**

**PRESENT: MS. DEEPA KRISHAN  
HON'BLE MEMBER(T)**

**MS. INA MALHOTRA  
HON'BLE MEMBER (J)**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING BEFORE NEW  
DELHI BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON  
08.02.2018**

**NAME OF THE COMPANY: Speculum Plast Pvt. Ltd. Vs. PTC Techno  
Pvt. Ltd.**

**SECTION OF THE COMPANIES ACT: 9 of IBC, 2016**

<b>S.NO.</b>	<b>NAME</b>	<b>DESIGNATION</b>	<b>REPRESENTATION</b>	<b>SIGNATURE</b>
	<b>For the Petitioner:</b>	Mr. Kanti Mohan Rustagi, & Mr. Preeti Nair, Advocates		
	<b>For the Respondent:</b>	None		

**ORDER**

The Corporate Debtor has been duly served and has entered appearance through Mr. Afzal Nai, Advocate. The present case has been remanded back on the directions of the Hon'ble NCLAT, holding that the limitation is not application to Resolution Process. The said order which was passed in a bunch <sup>of</sup> matters have been impugned before the Hon'ble Apex Court, in Civil Appeal No. 23988/2017 in the matter of B.K. Educational Services Pvt. Ltd. Vs. Parag Gupta and Associates. The Hon'ble Apex Court vide its order dated 10.1.2018 has directed that there shall be a stay of remand in the meantime.

Reliance is also placed on the order dated 23.8.2017 of the Hon'ble Apex

L

Court passed in Civil Appeal No. 10711/2017, in the matter of Neelkanth Township and Construction Pvt. Ltd. Vs. Urban Infrastructure Trustees Ltd, wherein the Hon'ble Apex Court has observed that "The appeal is dismissed keeping the question of law viz. whether the Limitation Act would apply to this proceeding, open in terms of the signed order".

The Ld. Counsel for the Petitioner submits that in any event, the claim made by the Petitioner was not barred by limitation and prays for reliance on certain judgments.

To come up on 16<sup>th</sup> February, 2018.

-S-d-11

**(Deepa Krishan)**  
**Member (T)**

-S-d-11

**(Ina Malhotra)**  
**Member (J)**