

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, PRINCIPAL BENCH,**  
**NEW DELHI**

**Company Appeal (AT) (Ins) No. 06 of 2022**

**IN THE MATTER OF:**

**M/s Shree Banshi Metal and Alloys Pvt. Ltd.**

**...Appellant**

**Vs.**

**M/s S.S. Alloys Products Pvt. Ltd.**

**...Respondent**

**Present:**

**For Appellant:                      Mr. Shakil Shaikh, Advocate**

**For Respondent:                      None**

**ORDER**

**(Through Virtual Mode)**

**20.01.2022 :**        Heard Learned Counsel for the Appellant.

This appeal has been filed against the judgement and order dated 20.04.2021 passed by the 'Adjudicating Authority' by which order the Section 9 application filed by the Applicant has been rejected.

2.        The Appellant claiming to be the 'Operational Creditor' filed an application claiming an amount of Rs. 24,71,337 plus interest. The 'Adjudicating Authority' rejected the application as '*barred by time*'.

3.        Learned Counsel for the Appellant submits that although the last date of transaction was 17.04.2013 but there was an acknowledgement by confirmation of Account on 07.09.2019 as well as on 01.04.2018. He submits that balance confirmation on 01.04.2018 filed at page-58 of the paper book has not been considered by the 'Adjudicating Authority'. He submits that it is well settled that from the date of acknowledgment there shall be a fresh period of limitation.

We have considered the submissions of both the parties and perused the records.

4. In the impugned order, the finding is recorded that last date of transaction is 17.04.2013 and the acknowledgement of balance confirmation which has been claimed by the Appellant is 01.04.2018 and 07.09.2019. Even if the said balance confirmation are treated as acknowledgement, the said acknowledgement been done after the expiry of limitation from 17.04.2013 shall not give any fresh period of limitation to the Appellant.

5. We do not find any error in the order of the 'Adjudicating Authority' in rejecting the application as 'barred by time'. There is no merit in the appeal, ***the appeal is dismissed.***

**[Justice Ashok Bhushan]**  
**Chairperson**

**[Dr. Alok Srivastava]**  
**Member (Technical)**

ss/nn