

2024 LiveLaw (SC) 5

IN THE SUPREME COURT OF INDIA

DR. D.Y. CHANDRACHUD; CJI., J.B. PARDIWALA; J., MANOJ MISRA; J.

SPECIAL LEAVE PETITION (CIVIL) Diary No.2341/2023; 02-01-2024

GOPAL KRISHNAN MS & ANR. *Versus* RAVINDRA BELEYUR & ANR.

Limitation - The bar of limitation cannot be obviated or circumvented by taking recourse of proceedings under Article 136 of the Constitution when a statutory appeal is available.

(Arising out of impugned final judgment and order dated 28-09-2022 in CAAT (CH) (I) No.316/2022 28-09-2022 in CAAT (CH) (I) No.312/2022 passed by the National Company Law Appellate Tribunal, Chennai)

For Petitioner(s) Ms. Haripriya Padmanabhan, Adv. Mr. Shiju Abraham Verghis, Adv. Mr. V. Shyamohan, Adv. Ms. Shivani Vij, Adv. Ms. Anshika Bajpai, Adv. Ms. Tissy Annie Thomas, Adv. M/s. Kmnp Law

For Respondent(s) Mr. Siddhartha Dave, Sr. Adv. Mr. V. Balachandran, Adv. Mr. Siddharth Naidu, Adv. Mr. Prithvi Raj JS, Adv. M/s. Ksn & Co.

ORDER

1 There is a delay of 20 days in filing and 191 days in re-filing the Special Leave Petitions.

2 Since the impugned order of the National Company Law Appellate Tribunal dated 28 September 2022 is amenable to the appellate jurisdiction of this Court under Section 62 of the Insolvency and Bankruptcy Code 2016, we decline to entertain a petition under Article 136 of the Constitution. The bar of limitation cannot be obviated or circumvented by taking recourse of proceedings under Article 136 of the Constitution when a statutory appeal is available. We accordingly decline to entertain the Special Leave Petitions only on that ground leaving it open to the petitioner to adopt appropriate remedies in accordance with law.

3 The Special Leave Petitions are, therefore, dismissed on the ground of delay as well as on merits.

4 Pending applications, if any, stand disposed of.

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