

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

M.A. No.19/2017

In

Un-numbered Company Appeal (AT) No. /2017

In the matter of:

Srei Infrastructure Finance Ltd.

.... Applicant

Versus

Naveen Bansal & Ors.

.... Respondents

Appearance: Ms. Ishita Chakrabarti, Advocate for the Applicant.

11.08.2017

This is an application (no provision of law mentioned) to extend the time granted for re-presenting/ re-submitting the Appeal after curing the defects.

2. The allegation in the application is that the counsel for the Applicant was laid up and hence was unable to cure the defects pointed out by the Registry within the time granted. The delay is stated to be neither deliberate nor intentional, hence the prayer is to extend the time for compliance.

3. The points that arise for consideration are: -

i) Is the time for complying the direction to cure the defects liable to be extended under sub-rule (3) to rule 26 of the NCLAT Rules, 2016 (hereinafter referred to as the Rules)?

ii) Reliefs.

4. **Point No. (i):** - Heard the learned counsel for the applicant.

The present Appeal is against the order dated 17.05.2017 in C.P. No.99/2014 of the Hon'ble NCLT, Kolkata Bench. The allegation in the application is that the impugned order was made available to them only on 28.06.2017. Therefore, the

period of 45 days as contemplated under sub-section (3) to section 421 of the Companies Act, 2013 (hereinafter referred to as the Act) expires only on 12.08.2017.

5. The Appeal in this case was presented before the Registry under Rule 22 on 19.07.2017. The Appeal when scrutinised on 20.07.2017 was found to be defective and hence the Applicant was directed to cure the defects within a period of seven days. The Appeal was taken back by the Applicant only on 25.07.2017. The period of seven days granted by the Registry under sub-rule (2) to rule 26 expired on 27.07.2017. However, the Appeal was re-presented/ re-submitted only on 09.08.2017 i.e. with a delay of 12 days. The Appeal was not re-submitted/ re-presented within the time given under sub-rule (2) to rule 26 and hence the Section has put up the matter before me for appropriate orders.

6. As noticed earlier, the period of 45 days for filing the Appeal expires only on 12.08.2017. Sub-rule (3) to rule 26 of the Rules enable the Registrar to extend the time for compliance given under sub-rule (2) to rule 26, in case sufficient cause(s) is/are shown. Therefore, for the reasons stated in the application and in the interest of justice, the time given under sub-rule (2) to rule 26 for curing the defects is extended invoking the power under sub-rule (3) to rule 26. Point answered accordingly.

7. **Point No.(ii):-** M.A. No.19/2017 allowed.

List the matter before the Hon'ble Appellate Tribunal on 16.08.2017.

(C.S. Sudha)
Registrar