

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

M.A. No.138/2018
Un-numbered Company Appeal (AT) (Insolvency) No. ____/2018
(F.No.16/07/2018/NCLAT/UR/618)

In the matter of:

N.R. Constructions Pvt. Ltd. Appellant

Versus

Electrosteel Steels Ltd. & Ors. Respondents

Appearance: Mr. Rajendra Beniwal, Advocate for the Appellant

01.08.2018

This is an application under sub-rule (2) to Rule 26 of the NCLAT Rules, 2016 (hereinafter referred to as the Rules) to extend the time granted for compliance.

2. The facts mentioned in the Miscellaneous Application in short is that the Appellant presented this Appeal on 16.07.2018 and after scrutiny, the Office pointed out the defects and intimated the same to the Appellant on 18.07.2018, but due to personal difficulty, the learned Counsel appearing for the Appellant could not collect the Memo of Appeal and he received the Memo of Appeal on 23.07.2018 for removing the defects pointed out by the Office and in doing so there is a delay of six days' in re-filing the Memo of Appeal and so the same may be condoned.

3. Learned Counsel appearing for the Appellant submitted that earlier the other Appeals were also re-filed on 24th July, 2018 and when this Appeal was being presented, on that day some new defect was pointed out by the Registry and in order to remove that defect, the Appellant took six days in re-filing the Memo of Appeal and so, delay of six days in re-filing the Memo of Appeal may be condoned.

4. Now the point for consideration is:
- i) Whether the Appellant has explained the reasons for delay in filing the Memo of Appeal?
 - ii) Whether the Appellants are entitled to get any other relief?
5. Considering the submissions made by the learned Counsel, the averments made in the Miscellaneous Application and the Office note, I find, as per Office note, there is a delay of six days in re-filing the Memo of Appeal. The learned Counsel explained the delay in re-filing the Memo of Appeal. Considering these facts, I think it proper to condone the delay of six days' in re-filing the Memo of Appeal. Accordingly, the delay in re-filing the Memo of Appeal is hereby condoned.
6. The Point No.1 is answered accordingly. So far as the Point No.2 is concerned, the Appellant is not entitled for any other relief.
7. With the aforesaid order, this Miscellaneous Application stands disposed of.
8. Let the case be listed for hearing before the Hon'ble Bench on 02.08.2018.

(Abni Ranjan Kumar Sinha)
Registrar

Dictated and corrected by me.

(Abni Ranjan Kumar Sinha)
Registrar