

**THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL**  
**NEW DELHI**

**M.A. No.139/2018**

**In**

**Un-numbered Compensation Application (AT) No. \_\_\_\_/2018**  
**(F.No.12/07/2018/NCLAT/UR/45)**

**In the matter of:**

Sateyendra Singh & Ors.

.... Applicants

Versus

Ghaziabad Development Authority

.... Respondent

Appearance: Mr. Dinesh Kumar, Advocate for the Applicants.

**02.08.2018**

This is an application to extend the time granted for curing the defects.

2. The facts mentioned in the Miscellaneous Application in short is that the Applicants filed the Compensation Application on 12.07.2018 and after scrutiny the defects were intimated to the Applicants on 16.07.2018, whereas, the Application was re-filed on 30.07.2018 and the Office has pointed out delay of seven days in re-filing the Memo of Appeal. Further, when the Applicants went to re-file Memo of Application, then they were again advised that there are some more defects in presenting the Compensation Application and in removing the defects again there is a delay of seven days.

3 Apart from that, from the report of the Office it appears that the Applicants have not cured defect No.4, which relates to the application is barred by limitation.

4. Heard learned Lawyer appearing for the Applicants, perused the Office note as well as averments made in the Miscellaneous Application. As per Office note, the Compensation Application is barred by limitation and the Applicants have not removed that

defect. Apart from that, it is also reported that there is a delay of seven days in re-filing the Memo of Appeal.

5. Learned Lawyer appearing for the Applicants submitted that the Applicants have not filed the Appeal under Section 53B of the Competition Act, 2002 (hereinafter referred to as the 'Act'), rather, the Application is filed under Section 53N (1) and (4) of the Act. He further submitted that section 53B of the Act is applicable only when a person challenges the findings of the Competition Commission of India, but here in this case, the Applicants have not challenged any order, rather, they claim compensation as provided under section 53N of the Act, so there is no question of any limitation in filing application for claiming compensation.

6. So far, the delay in re-filing the Compensation Application is concerned, he submitted that when after removing the defects the Applicants went to re-file the Compensation Application, then the Office again pointed out some defects, which were not mentioned in the defects sheet and in order to remove the defects, the Applicants took time of seven days, so the same may be condoned.

7. In the light of the submissions made by the learned Lawyer appearing for the Applicants, on perusal of the Office note as well as the averments made in the Miscellaneous Application, so far the defect No.4 pointed out by the Office is concerned, I agree with the submission made on behalf of the Applicants that this is not an appeal challenging any impugned order filed under section 53B of the Act, rather, it is an application for compensation filed under section 53N of the Act. So considering these, the defect No.4 pointed out by the Office is hereby ignored.

8. Now the point for consideration is:

- i) Whether the Appellants have explained the reasons for delay in filing the Memo of Appeal?

- ii) Whether the Appellants are entitled to get any other relief?

9. So far, the delay in re-filing the Compensation Application is concerned, for the reasons mentioned in the Miscellaneous Application, I think it proper to condone the delay in re-filing the Compensation Application. Accordingly, the delay in re-filing the Compensation Application is hereby condoned.

10. The Point No.1 is answered accordingly. So far as the Point No.2 is concerned, the Applicants are not entitled for any other relief.

11. With the aforesaid order, this Miscellaneous Application stands disposed of.

12. As prayed by learned Counsel appearing for the Applicants, put up the case before the Hon'ble Bench on 10.08.2018 for hearing.

(Abni Ranjan Kumar Sinha)  
Registrar

Dictated and corrected by me.

(Abni Ranjan Kumar Sinha)