

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

**M.A. No.141/2018**  
**Un-numbered Company Appeal (AT) No. \_\_\_\_/2018**  
**(F.No.23/07/2018/NCLAT/UR/646)**

**In the matter of:**

Ambee Conbuild Pvt. Ltd. & Ors. .... Appellants

Appearance: Mr. Manoj Kumar Garg, Advocate for the  
Appellants.

**06.08.2018**

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 defects were intimated to the Appellants on 24.07.2018, but the Memo of Appeal could not be collected on the same day, rather, it was collected on 26.07.2018. Grounds taken for not collecting the Memo of Appeal within time as mentioned in the Miscellaneous Application is that due to personal reasons learned counsel could not collect the Memo of Appeal within time. Further, on 31<sup>st</sup> July, 2018, the Counsel came to re-file the Memo of Appeal, but again some defects were pointed out by the Registry and, so, in order to remove the defects, the Appellants took more days and, so, prays for condoning the delay.

3. Heard the learned Lawyer appearing for the Appellants, perused the averments made in the Miscellaneous Application as well as Office note. As per Office note, there is a delay of two days in re-filing the Memo of Appeal. Learned Lawyer appearing for the Appellants submitted that after receiving the Memo of Appeal on 26.07.2018 and after removing the defects, the Appellants went to

re-file the Memo of Appeal on 31<sup>st</sup> July, 2018, but again Office pointed out some defects and, so, in order to remove that defect, the Appellants took two more days in re-filing the Memo of Appeal, so, same may be condoned.

4. 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?

5. Considering the submissions made by the learned Lawyer appearing for the Appellants, the averments made in the Miscellaneous Application and the ground taken by the Appellants, I think it proper to condone the delay 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 Appellants are not entitled for any other relief.

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

8. Let the case be listed before the Hon'ble Bench on 07.08.2018 for hearing.

(Abni Ranjan Kumar Sinha)  
Registrar

Dictated and corrected by me.

(Abni Ranjan Kumar Sinha)  
Registrar