

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

**M.A. No.143/2018**  
**Un-numbered Company Appeal (AT) No. \_\_\_\_/2018**  
**(F.No.06/07/2018/NCLAT/UR/575)**

**In the matter of:**

S.P. Perumal ..... Appellant

Versus

Ramaswami & Ors. .... Respondents

Appearance: Shri Sriram P., Advocate for the Appellant

**16.08.2018**

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 filed this Appeal on 06.07.2018 and the Office after scrutiny intimated the defects to the Appellant on 08.07.2018 and the Appellant received the Memo of Appeal on 17.07.2018 for removing the defects. It is further mentioned that since the counsel for the Appellant was not well, the defects could not be cured within time and there is a delay of 25 days in re-filing the Memo of appeal, so, the same may be condoned.

3. Heard learned Lawyer appearing for the Appellant, perused the averments made in the Miscellaneous Application and the Office note.

4. As per the report of the Office, apart from delay in re-filing the Memo of Appeal, the Appellant has also not removed defect No.3, which relates to the Memorandum of Appeal is improper and not in accordance to Form NCLAT-1. Learned Lawyer appearing for the Appellant submitted that he has removed the defect No.3 as pointed out by the Office and now the Memo of Appeal is in terms of Form NCLAT-1. He submitted that the Office has also submitted a further report, which shows that the Appellant has removed that defect.

5. He further submitted that so far the delay in re-filing the Memo of Appeal is concerned, it is mentioned in the Miscellaneous application that the Appellant's counsel was not well and that is why, there is a delay of 25 days in re-filing the Memo of Appeal and, so, the same may be condoned.

6. 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 Appellant is entitled to get any other relief?

7. Considering the submissions made on behalf of the learned Lawyer appearing for the Appellant and the averments made in the Miscellaneous Application and as per further report of the Office, so far defect No.3 is concerned, since it has been removed, the same is hereby ignored.

8. So far the delay in re-filing the Memo of Appeal is concerned, for the reasons mentioned in the Miscellaneous Application, 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.

9. 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.

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

11. As prayed by learned Counsel, list the case before the Hon'ble Bench on 20.08.2018 for hearing.

(Abni Ranjan Kumar Sinha)  
Registrar

Dictated and corrected by me.

(Abni Ranjan Kumar Sinha)  
Registrar