

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

M.A. No.145/2018
Un-numbered Company Appeal (AT) (Insolvency) No. ____/2018
(F.No.16/07/2018/NCLAT/UR/627)

In the matter of:

Randhiraj Thakur

.... Appellant

Versus

M/s Jindal Saxena Financial
Services Pvt. Ltd. & Anr.

.... Respondents

Appearance: Ms. Srishti Juneja, 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 the Memo of Appeal on 16.07.2018 and the Office after scrutiny pointed out the defects, which was intimated to the Appellant on 18.07.2018 and the Memo of Appeal was returned to the Appellant on 20.07.2018. Further, due to personal difficulty, the Appellant could not cure the defects within the time prescribed under the law and in doing so, there is 15 days' delay 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 as well as the Office note. As per Office note, there is a delay of 15 days in re-filing the Memo of Appeal.

4. Learned Lawyer appearing for the Appellant submitted that since the Counsel was not available, that is the reason the Memo of Appeal was not received on 18.07.2018, rather, it was received on 20.07.2018 and thereafter, the Appellant was also not available, so,

in order to cure the defects, the Appellant took 15 days, hence, the same may be condoned.

5. She further submitted that so far other defects pointed out by the Office are concerned, all the defects have been cured.

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 as well as the Office note and the grounds mentioned in the Memo of Appeal, 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.

8. 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.

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

10. Let the case be listed before the Hon'ble Bench on 21.08.2018 for hearing as prayed by learned Counsel for the Appellant.

(Abni Ranjan Kumar Sinha)
Registrar

Dictated and corrected by me.

(Abni Ranjan Kumar Sinha)
Registrar