

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

M.A. No.149/2018
Un-numbered Company Appeal (AT) (Insolvency) No. ____/2018
(F.No.06/08/2018/NCLAT/UR/695)

In the matter of:

Mr. Dilip Singh
(Shareholder and Ex-Director) Appellant

Versus

M/s Nuvoco Vistas Corporation Ltd. & Anr. Respondents

Appearance: Shri C.S. Gupta, Advocate for the Appellant

21.08.2018

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 Memo of Appeal was filed on 06.08.2018 and the Office after scrutiny of the Memo of Appeal intimated the defects to the Appellant on 08.08.2018 and on the same day Office returned the Memo of Appeal to the Appellant. Further, after removing the defects when the Appellant went to re-file the Memo of Appeal on 14.08.2018, he could not file the same because, by that time when he reached there, the Office was closed. Further, when the Appellant approached the Office on 16th August, 2018, Office again pointed out some new defects, so, in order to remove the defects there is delay of three days, 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.

4. Learned Lawyer appearing for the Appellant submitted that there is delay of three days only. He further submitted that he has

already explained the delay in para 2 of the Miscellaneous Application, so, the same may be condoned.

5. 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?

6. Considering the submissions made on behalf of the learned Lawyer appearing for the Appellant, on perusal of the averments made in the Miscellaneous Application, particularly in para 2 of the Miscellaneous Application and the report of the Office, I find, there is delay of three days only in re-filing the Memo of Appeal. So, considering these facts and the reasons mentioned in para 2 of the Miscellaneous application, delay of three days in re-filing the Memo of Appeal is hereby condoned.

7. 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.

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

9. Let the case be listed before the Hon'ble Bench on 27.08.2018 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