

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

M.A. No.151/2018
in
Un-numbered Company Appeal (AT) (Insolvency) No. ___/2018
(F.No.07/08/2018/NCLAT/UR/700)

In the matter of:

Mr. Lalan Kumar Singh
Executive Director (under suspension) and
Shareholder of M/s GPI Textiles Ltd. Appellant

Versus

M/s. Phoenix ARC Pvt. Ltd. & Ors. Respondents

Appearance: Shri Gaurav Arora and Shri Savar Mahajan,
Advocates for the Appellant.

24.08.2018

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 07.08.2018 and the Office after scrutiny of the Memo of Appeal intimated the defects on 09.08.2018 and on the same day returned the Memo of Appeal to the Appellant. Further, after removing the defects when the Appellant on 16.08.2018 came to re-file the Memo of Appeal, the Office refused to receive the Memo of Appeal on the ground that the fluid/ whitener has been used. So, in order to remove those defects pointed out by the Office, there is a delay of four 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 report of the Office.

4. Learned Lawyer appearing for the Appellant submitted that after removing the defects when the Appellant went to re-file the Memo of Appeal on 16.08.2018, then again Registry pointed out that since whitener/ fluid is used that is why the Appellant is required to remove this defect, so, in order to remove that defect, the Appellant took four days' time, hence, the delay in re-filing the Memo of Appeal 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 Appellant and 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.

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.

(Abni Ranjan Kumar Sinha)
Registrar

Dictated and corrected by me.

(Abni Ranjan Kumar Sinha)
Registrar