

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

M.A. No.152/2018
in
Un-numbered Company Appeal (AT) (Insolvency) No. ___/2018
(F.No.27/07/2018/NCLAT/UR/668)

In the matter of:

IFCI Ltd. Appellant

Versus

M/s Cedar Infonet Pvt. Ltd. Respondent

Appearance: Shri Atishay Prasad, Advocate 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 Appellant has filed the Memo of Appeal on 27.07.2018 and the Office after scrutiny of the Memo of Appeal intimated the defects on 30.07.2018, but the defects were not intimated to the counsel's mobile no., which is available on the record, in fact, the counsel who was informed was not concerned with the case. The counsel has provided his mobile no. but he has not been informed by the Office. In fact, only when on 01.08.2018, the associate of the counsel for the Appellant enquired from the filing Section, then he came to know about the defects. Thereafter, on that day, the Memo of Appeal was returned to him and after removing the defects, when the associate of the counsel went to re-file the Memo of Appeal, then another objection was raised regarding the using of fluid/ whitener, which had not been mentioned earlier in the defects sheet and so, in

order to cure that defect there is a delay of 15 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 although the defects as per the report of the Office intimated on 30.07.2018, but actually the Appellant came to know about the defects on 01.08.2018 and on that day, he received the Memo of Appeal. He further submitted that after removing the defects as pointed out in the defects sheet, when the Appellant went to re-file the Memo of Appeal on 08.08.2018, then again some new defects have been pointed out by the Registry, which is in respect of use of fluid/ whitener and so, in order to remove that defect, there is a delay of 14 days and 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 Appellant and the averments made in the Miscellaneous Application as well as the report of the Office, 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. As prayed by the learned Counsel, list the case before the Hon'ble Bench on 29.08.2018 for hearing.

(Abni Ranjan Kumar Sinha)
Registrar

Dictated and corrected by me.

(Abni Ranjan Kumar Sinha)
Registrar