

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

M.A. No.155/2018

in

Un-numbered Company Appeal (AT) (Insolvency) No. ___/2018
(F.No.13/08/2018/NCLAT/UR/727)

In the matter of:

R.G.G. Vyapaar Pvt. Ltd.

.... Appellant

Versus

Arun Kumar Gupta & Anr.

.... Respondents

Appearance: Shri Arjun Asthana and Ms. Sreenita Ghosh,
Advocates for the Appellant

30.08.2018

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. Heard learned Lawyer appearing for the Appellant, perused the averments made in the Miscellaneous Application as well as report of the Office.

3. Learned Lawyer appearing for the Appellant submitted that the Appellant presented this Appeal on 13.08.2018. Thereafter, after scrutiny the Office intimated the defects on 16.08.2018 and on the same day returned the Memo of Appeal to the Appellant. He further submitted that since the Appellant used to reside in the Hyderabad and during the intervening period there was Saturday and Sunday and the Office was also closed due to the sudden demise of Hon'ble Shri Atal Bihari Vajpayee, former Prime Minister of India and on account of Eid and that is the reason there is delay of only five days in re-filing the Memo of Appeal, so, the same may be condoned.

4. 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?
5. Considering the submissions made on behalf of the Appellant and 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.
6. 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.
7. With the aforesaid order, this Miscellaneous Application stands disposed of.
8. As prayed by the learned Counsel, list the case before the Hon'ble Bench on 31.08.2018 for hearing.

(Abni Ranjan Kumar Sinha)
Registrar

Dictated and corrected by me.

(Abni Ranjan Kumar Sinha)
Registrar