

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

M.A. No.30/2018

Un-numbered Company Appeal (AT) (Insolvency) No. /2018
(F.No.12/01/2018/NCLAT/UR/32)

In the matter of:

Vijay Kumar Jain

.... Applicant

Versus

Standard Chartered Bank Ltd.

.... Respondent

Appearance: Shri Amish Tandon and Shri Ayush Beotra, Advocates for the
Applicant.

05.02.2018

This is an application (no provision of law mentioned) to extend the time for compliance granted under sub-rule (2) to rule 26 of the NCLAT Rules, 2016 (hereinafter referred to as the Rules).

2. The allegation in the application is that the non-availability of the counsel for the Applicant coupled with intervening holidays caused the delay in curing the defects. Therefore, the prayer is to condone the delay of ten days.

3. The points that arise for consideration are: -

- i) Is the time given for complying the direction to cure the defects liable to be extended under sub-rule (3) to rule 26 of the Rules?
- ii) Reliefs.

4. **Point No. (i):** - Heard the learned counsel for the Applicant.

The aforesaid Appeal under Section 61 of the I&B Code, 2016 (hereinafter referred to as the Code) is against the order dated 08.12.2017 in CP No.1371 & 1372/IBP/NCLT/MAH/2017 of the Hon'ble NCLT, Mumbai Bench.

5. The aforesaid appeal is seen presented before the Registry on 12.01.2018. The appeal when scrutinised on 15.01.2018 was found to be defective and so on the same day the Applicant was informed of the defects with a direction to cure them within a period of seven days. The period of seven days' expired on 22.01.2018. However, the appeal was presented after curing the defects only on 01.02.2018. According to the Section there is a delay of ten days and hence the matter has been put up before me under sub-rule (2) to rule 26 of the Rules for appropriate orders.

6. Sub-section (2) to section 61 of the Code says that every appeal under sub-section (1) shall be filed within 30 days before the Appellate Tribunal. The free certified copy of the impugned order dated 08.12.2017 is seen issued on 08.01.2018. Therefore, the period of 30 days computed from 09.01.2018 expires on 07.02.2018. The initial presentation of the appeal on 12.01.2018 and the subsequent presentation after curing the defects on 01.02.2018 are apparently within the period of 30 days for filing the appeal.

7. Therefore, exercising the power under sub-rule (3) to rule 26, the time granted for compliance under sub-rule (2) to rule 26 is extended. Point answered accordingly.

8. **Point No.(ii):** - M.A. No.30/2018 allowed.

List the matter before the Hon'ble Appellate Tribunal on 06.02.2018.

(C.S. Sudha)
Registrar