

**THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL**  
**NEW DELHI**

**M.A. No.50/2018**

**Un-numbered Company Appeal (AT) (Insolvency) No.     /2018**  
**(F.No.09/02/2018/NCLAT/UR/102)**

**In the matter of:**

A & I Hospitality Pvt. Ltd.

.... Applicant

Versus

Deep Constructions Co.

.... Respondent

Appearance:       Ms. Monisha Handa, Advocate for the Applicant.

**23.02.2018**

This is an application (no provision of law mentioned) to extend the time granted for compliance given 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 due to wrong page numbering, the Appeal could not be re-filed within the period of seven days' granted. Hence, the prayer is to grant extension of time by one day for compliance.

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 18.01.2018 in C.P. (I.B) No.166/9/NCLT/AHM/2017 of the Hon'ble NCLT, Ahmedabad Bench.

5.     The aforesaid appeal is seen presented before the Registry on 09.02.2018. The appeal when scrutinised on 12.02.2018 was found to be defective and so on 13.02.2018 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 20.02.2018. However, the appeal was presented after curing the defects only on 21.02.2018.

According to the Section there is a delay of one day 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 18.01.2018 is seen issued on 23.01.2018. Therefore, the office has rightly computed the period of limitation from 24.01.2018 and when so computed the period of 30 days expires on 22.02.2018. The initial presentation of the appeal on 09.02.2018 and the subsequent presentation after curing the defects on 21.02.2018 is 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.50/2018 allowed.

List the matter before the Hon'ble Appellate Tribunal on 26.02.2018.

(C.S. Sudha)  
Registrar