

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

**M.A. No.26/2018**

**Un-numbered Company Appeal (AT) (Insolvency) No.     /2018**  
**(F.No.15/01/2018/NCLAT/UR/38)**

**In the matter of:**

Quantum Ltd.  
(Corporate Debtor)

.... Applicant

Versus

Indus Finance Corporation Ltd.

.... Respondent

Appearance:       Shri Sourat Arora, Advocate representing Shri Ajay Kumar  
                              Jain, Advocate for the Applicant.

**29.01.2018**

This is an application under sub-rule (3) to rule 26 of the NCLAT Rules, 2016 (hereinafter referred to as the Rules) to extend the time for compliance.

2.     The allegation in the application is that the Applicant received the certified copy of the impugned order on 24.01.2018 at 06:00 PM, which caused the delay in presenting the appeal after curing the defects. The delay of one day was due to bona-fide and genuine reasons. Hence, the prayer is to condone the delay.

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 18.12.2017 in C.P.No.1043/(MAH)/2017 M.A. No.641/2017 of the Hon'ble NCLT, Mumbai Bench.

5.     The aforesaid appeal is seen presented before the Registry on 15.01.2018. The appeal when scrutinised on 16.01.2018 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 23.01.2018. However, the appeal was presented after curing the defects only on 25.01.2018. According to

the Section there is a delay of two 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 18.12.2017 is seen issued on 04.01.2018. Therefore, the period of 30 days computed from 05.01.2018 expires on 03.02.2018. The initial presentation of the appeal on 15.01.2018 and the subsequent presentation after curing the defects on 25.01.2018 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.26/2018 allowed.

List the matter before the Hon'ble Appellate Tribunal on 31.01.2018.

(C.S. Sudha)  
Registrar