

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

I.A. No. 01 of 2017

In

Un-numbered Company Appeal (AT) No. /2017

In the matter of:

Sudhir Sales & Services Ltd.

.... Applicant

Versus

Comfort Net Traders Pvt. Ltd.

.... Respondent

Appearance: Shri Nakul Jayant, Advocate for the Applicant

12.07.2017

This is an application seen filed under Rule 11 (ought to have been filed under sub-rule (3) to Rule 26 of the NCLAT Rules, 2016 (hereinafter referred to as 'the Rules') for condoning the delay in resubmitting/re-presenting the appeal.

Initially, the appeal was presented on 16.05.2017. The appeal on scrutiny was found to be defective and hence was returned on 17.05.2017 with a direction to cure the defects within a period of seven days. The period of seven days expired on 25.07.2017. The appeal is resubmitted on 06.07.2017 only i.e. after a period of six weeks (42 days), in case the period of vacation is counted. If the period of vacation is excluded, then the delay is 12 days.

The points that arise for consideration are:-

- i) Is the delay liable to be condoned under sub-rule (3) to Rule 26 of the Rules?
- ii) Reliefs.

Point No. (i) :- Heard the learned counsel for the applicant. It is alleged in the application and it is also submitted on behalf of the applicant that the non-availability of the counsel during the vacation and the ill-health of the counsel concerned prevented the applicant from curing the defects and resubmitting the appeal within the period of seven days stipulated.

Sub-Rules (2) and (3) to Rule 26 of the Rules enable the Registrar to grant reasonable time provided sufficient cause is shown. Hence, for the reasons stated in the application and in the interest of justice, the delay is condoned. The point is answered accordingly.

Point No. (ii) :- In the light of the above discussion, the application is allowed. The section concerned is directed to register and number the appeal. The matter be listed before the Hon'ble Tribunal on 17.07.2017.

(C.S. Sudha)
Registrar