

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

**M.A. No.03/2017**

**In**

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

**In the matter of :**

APC Credit Rating Pvt. Ltd. & Ors.

.... Applicants

Versus

ROC, NCT of Delhi & Haryana

.... Respondents

Appearance:       Shri Pankaj Jain, Advocate for the Applicants.

**17.07.2017**

This is an application (no provision of law/rule mentioned) for condonation of delay in re-presenting/ re-submitting the Appeal after curing the defects.

2. The allegation in the application is that the Applicants came to know about the defects only on 29.06.2017. Time was consumed in obtaining certified copies of the impugned order and other documents. Hence, they were able to re-present/ re-submit the Appeal only on 11.07.2017. Therefore, the prayer is that the delay that occurred in re-submitting/ re-presenting the Appeal may be condoned.

3. The points that arise for consideration are:-

- i) Is the delay in re-presenting/ re-submitting the Appeal liable to be condoned under sub-rule (3) to Rule 26 of the Rules?
- ii) Reliefs.

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

From the records, it is seen that the Appeal was presented on 05.06.2017. The Appeal on scrutiny was found to be defective and hence was returned with a direction to cure the defects within seven days, which 7 days expired on 14.06.2017. The Appeal was re-presented/ re-submitted only on 11.07.2017, which is after a

delay of nearly four weeks, in case June (summer vacation) is also taken into consideration for computation of limitation. If June is excluded the delay is 8 days.

5. It was submitted on behalf of the Applicants that no notice or intimation had been given by the Section concerned relating to the defects and that they came to know of the defects only on 29.06.2017 and therefore, the delay of 8 days may be condoned for the reasons stated in their application.

6. Sub-Rules (2) and (3) to Rule 26 of the Rules enable the Registrar to grant reasonable time to cure the defects and re-present/ re-submit the Appeal, provided sufficient cause(s) is/are shown. Hence, for the reasons stated in the application and in the interest of justice, the delay is condoned. The point is answered accordingly.

7. **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 19.07.2017.

(C.S. Sudha)  
Registrar