

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

M.A. No. 05 of 2017

In

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

In the matter of:

Beecelene Textile Mills Pvt. Ltd. & Ors.

.... Applicants

Versus

Radhakrishnan B. Ruchandani & Ors., Surat

.... Respondents

Appearance: Shri Bhaskar Subramaniam, Advocate for the Applicants

21.07.2017

This is an application 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.

2. In the application it is alleged that the applicants are in Gujarat and, therefore, the defective affidavits had to be sent to Gujarat for rectification. However, they were lost in transit. Hence they had to be resent which caused the delay. Therefore, the prayer is that the delay of 21 days in re-presenting/re-submitting may be condoned.

3. The points that arise for consideration are: -

- i) Is the delay of 21 days 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.

Initially, the appeal was presented on 20.06.2017. The appeal on scrutiny was found to be defective and hence was returned on 21.06.2017 with a direction to cure the defects within a period of seven days. The period of seven days expired on 28.06.2017. The appeal was resubmitted only on 19.07.2017, i.e. after a period of 21 days.

5. 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.

6. **Point No. (ii)** :- In the light of the above discussion, MA 05/2017 is allowed.

The section concerned is directed to number the appeal. The matter be listed before the Hon'ble Tribunal on 25.07.2017.

(C.S. Sudha)
Registrar