

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

**Restoration Application (AT) No.03/2017**

**In**

**Company Appeal (AT) No.128 of 2017**

**In the matter of :**

K.N. Pillai

.... Applicant

Versus

R. Prasanth & Ors.

.... Respondents

Appearance: Ms. Nibruti Samal, Advocate for the Applicant.

**25.07.2017**

The Appellant in the aforesaid Appeal has filed the present application on 13.07.2017 to set aside the order dated 25.04.2017 passed by the Hon'ble Appellate Tribunal dismissing the Appeal for non-prosecution. The application is defective as it has been filed beyond the period stipulated under Article 122 of the Limitation Act, 1963.

On the last hearing day, i.e., on 18.07.2017, time was sought to file an application for condonation of delay in filing the application for restoration of the Appeal. As requested, time till this day was granted for filing the necessary application. However, today it is submitted that the Applicant does not intend to prosecute the application for restoration filed on 13.07.2017.

Therefore, exercising the power under sub-Rule (4) to Rule 26 of the NCLAT Rules, 2016, the restoration application, which is also defective is not registered or taken on file.

(C.S. Sudha)  
Registrar