# THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL NEW DELHI

## M.A. No.124/2018

# <u>Un-numbered Company Appeal (AT)) (Insolvency) No. /2018</u> (F.No.20/06/2018/NCLAT/UR/522

## In the matter of:

Nicco Corporation Limited .... Appellant/ Corporate

Debtor

Represented by

Vinod Kumar Kothari,

Liquidator of the Corporate Debtor ....Appellant

Versus

Technology Development Board .... Respondent

Appearance: None for the Appellant.

## **11.07.2018**

This is an application (no provision of law mentioned) to extend the time granted for compliance given under sub-rule (2) to rule 26 of the NCLAT Rules, 2016 (hereinafter referred to as the Rules).

- 2. The grounds taken for condoning the delay in re-filing the Memo of Appeal is that the Appeal was presented before the Registry on 20.06.2018 and the Office after scrutiny of the defects, informed the Appellant on 25.06.2018 and the Appellant tried his best to cure the defects within the period prescribed under the Rules, i.e., by 02.07.2018, but due to unavoidable circumstances, it could not be cured within the period prescribed under the Rules and there is delay of seven days and so same may be condoned.
- 3. No one appears for the Appellant. From the facts mentioned in the Miscellaneous Application, it appears that the Appellant has assigned reasons that due to unavoidable circumstances, the Appellant was prevented from refiling the Memo of Appeal within the period prescribed under the Rules.

4. Now the point for consideration is:

i) Whether the Petitioner has explained the reasons for delay in

filing the Memo of Appeal?

ii) Whether the Petitioner is entitled to get any other relief?

5. Considering the averments made in the Miscellaneous Application and

the Office report, I find that the Memo of Appeal was presented for the first

time within time. Since there is a delay of only seven days, therefore, I think

it proper to condone the delay in re-filing the Memo of Appeal. Accordingly,

the delay in re-filing the Memo of Appeal is hereby condoned.

6. With the aforesaid order, this Miscellaneous Application stands

disposed of.

7. List the case for admission before the Hon'ble Bench on 12.07.2018.

(Abni Ranjan Kumar Sinha)

Registrar

Dictated and corrected by me.

(Abni Ranjan Kumar Sinha) Registrar

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