

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

**M.A. No.55/2018**

**Un-numbered Company Appeal (AT) (Insolvency) No.     /2018**  
**(F.No.24/02/2018/NCLAT/UR/128)**

**In the matter of:**

State Bank of India

.... Applicant/Appellant

Versus

Shakti Bhog Foods Ltd.

.... Respondent

Appearance:       Shri P.V. Dinesh, Advocate for the Applicant.

**09.03.2018**

This is an application under rule 26 of the NCLAT Rules, 2016 (hereinafter referred to as the Rules) to extend the time for compliance granted under sub-rule (2) to Rule 26.

2. The allegation in the application is that the copy of the impugned order initially issued was defective. Hence, the copy had to be returned to NCLT, New Delhi for correction and thereafter, the copy was issued on 06.03.2018. The defects could not be cured within the period of seven days' granted due to Holi holidays. The delay is alleged to be neither deliberate nor wilful. Hence, the prayer is to grant extension of time for compliance and to condone the delay of two days' in presenting the Appeal after curing the defects.

3. The points that arise for consideration are: -

- i) Is the time given for complying the direction to cure the defects liable to be extended under sub-rule (3) to rule 26 of the Rules?
- ii) Reliefs.

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

The aforesaid Appeal under Section 61 of the I&B Code, 2016 (hereinafter referred to as the Code) is against the order dated 08.02.2018 in (IB)-24(PB)/2018 of the Hon'ble NCLT, Principal Bench, New Delhi.

5. The aforesaid appeal is seen presented before the Registry on 24.02.2018. The appeal when scrutinised on 26.02.2018 was found to be defective and so on the same

day the Applicant was informed of the defects with a direction to cure them within a period of seven days. The period of seven days' expired on 05.03.2018. However, the appeal was presented after curing the defects only on 07.03.2018. According to the Section there is a delay of two days' and hence the matter has been put up before me under sub-rule (2) to rule 26 of the Rules for appropriate orders.

6. Sub-section (2) to section 61 of the Code says that every appeal under sub-section (1) shall be filed within 30 days before the Appellate Tribunal. The free certified copy of the impugned order dated 08.02.2018 is seen issued on 06.03.2018. Therefore, the period of 30 days computed from 07.03.2018 would expire on 05.04.2018. The initial presentation of the appeal on 24.02.2018 and the subsequent presentation after curing the defects on 07.03.2018 are apparently within the period of 30 days for filing the appeal.

7. Therefore, exercising the power under sub-rule (3) to rule 26, the time granted for compliance under sub-rule (2) to rule 26 is extended. Point answered accordingly.

8. **Point No.(ii):** - M.A. No.55/2018 allowed.

List the matter before the Hon'ble Appellate Tribunal on 12.03.2018.

(C.S. Sudha)  
Registrar