

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

**M.A. No.58/2018**

**Un-numbered Company Appeal (AT) (Insolvency) No.     /2018**  
**(F.No.26/02/2018/NCLAT/UR/130)**

**In the matter of:**

Saranya Forgings & Engineers India Pvt. Ltd. .... Applicant/Appellant

Versus

Metal Gems & Ors. .... Respondent

Appearance:       Shri Gautam Singh, Advocate for the Applicant.

**15.03.2018**

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 allegation in the application is that the delay was caused as the counsel for the Applicant was not in Delhi and also because the certified copy of the impugned order was received only on 08.03.2018. The intervening Holi holidays also contributed to the delay. Hence, the prayer is to condone the delay of six days' in submitting 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 24.01.2018 in T.C.P./77/IB/2017 of the Hon'ble NCLT, Chennai Bench.

5. The aforesaid appeal is seen presented before the Registry on 26.02.2018. The appeal when scrutinised on 27.02.2018 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 06.03.2018. However,

the appeal was presented after curing the defects only on 12.03.2018. According to the Section there is a delay of six 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 24.01.2018 is seen issued on 01.03.2018. Therefore, the period of 30 days computed from 02.03.2018 would expire on 31.03.2018. The initial presentation of the appeal on 26.02.2018 and the subsequent presentation after curing the defects on 12.03.2018 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.58/2018 allowed.

List the matter before the Hon'ble Appellate Tribunal on 16.03.2018.

(C.S. Sudha)  
Registrar