

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

**M.A. No.63/2018**

**Un-numbered Company Appeal (AT) (Insolvency) No.     /2018**  
**(F.No.07/03/2018/NCLAT/UR/155)**

**In the matter of:**

R.B. Synthetics & Anr.

.... Applicants/Appellants

Versus

Bee Ceelene Textile Mills Pvt. Ltd.

.... Respondent

Appearance:       Shri Aditya Pande, Advocate for the Applicant.

**23.03.2018**

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 necessary papers had to be sent to the Applicants at Surat, Gujarat for rectification of the defects resulting in delay in presenting the Appeal after curing the defects. Hence, the prayer is to condone the delay of six 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 31.01.2018 in C.P. (I.B) No.158/7/NCLT/AHM/2017 of the Hon'ble NCLT, Ahmedabad Bench.

5.     The aforesaid appeal is seen presented before the Registry on 07.03.2018. The appeal when scrutinised on 08.03.2018 was found to be defective and so on the same day the Applicants were informed of the defects with a direction to cure them within a period of seven days. The period of seven days' expired on 15.03.2018. However, the appeal was presented after curing the defects only on 21.03.2018. 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 31.01.2018 is seen issued on 28.02.2018. Therefore, the period of 30 days computed from 01.03.2018 would expire on 30.03.2018. The initial presentation of the appeal on 07.03.2018 and the subsequent presentation after curing the defects on 21.03.2018 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.63/2018 allowed.

List the matter before the Hon'ble Appellate Tribunal on 26.03.2018.

(C.S. Sudha)  
Registrar