

The aforesaid Appeal is against the order dated 27.10.2017 in C.P. No. (IB) 25/ALD/2017, CA No.73/2017 of the Hon'ble NCLT, Allahabad Bench. Sub-section (2) to section 61 of the I&B Code, 2016 (hereinafter referred to as the Code) says that an appeal has to be filed within a period of 30 days.

5. The present appeal is seen presented before the Registry on 07.11.2017. The appeal when scrutinised on 08.11.2017 was found to be defective and hence, on 08.11.2017 the Applicant was informed of the defects with a direction to cure the defects and re-submit the same within a period of seven days. The period of seven days expired on 15.11.2017. However, the appeal was re-submitted after curing the defects on 17.11.2017 and as there is a delay of two days, the Section has put up the matter before me under sub-rule (2) to rule 26 of the Rules for appropriate orders.

6. As stated earlier, the date of the impugned order is 27.10.2017. A certified free copy of the impugned order is seen issued on 30.10.2017. Therefore, the Section has rightly computed the limitation from 31.10.2017. That being so, the period of 30 days will expire on 29.11.2017. In this case, the initial presentation of the appeal under rule 22 is on 07.11.2017, which is obviously within the period prescribed under sub-section (2) to section 61 of the Code.

7. Sub-rule (3) to rule 26 enables the Registrar to extend the time for compliance given under sub-rule (2) to rule 26. The power to extend the time given for compliance can be exercised by the Registrar, provided it is within the period of 30 days referred to in sub-section (2) to section 61 of the Code. In the instant case, as the subsequent presentation of the appeal after curing the defects is well within the period of 30 days stipulated for filing the appeal, exercising the power under sub-rule (3) to rule 26 the time for compliance given under sub-rule (2) is extended. Point answered accordingly.

8. **Point No.(ii):-** M.A. No.29/2017 allowed.

List the matter before the Hon'ble Appellate Tribunal on 23.11.2017.

(C.S. Sudha)  
Registrar