

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

**Un-numbered Company Appeal (AT) No. \_\_\_\_/2017**

**In the matter of:**

Shiv Raj Singh

.... Applicant

Versus

Kempty Konstruktion Pvt. Ltd. & Ors.

.... Respondents

Appearance:        Shri Siddharth Sharma, Advocate for the Applicant.

**06.09.2017**

The present Appeal is against the impugned order dated 10.07.2017 in C.P. No.104(ND)/2011 of the Hon'ble NCLT, New Delhi Bench.

2. Sub-section (3) to section 421 of the Companies Act, 2013 (hereinafter referred to as the Act) says that an Appeal has to be filed within a period of 45 days from the date on which the impugned order is made available to the person aggrieved. Here, the period of 45 days expired on 26.08.2017 as the free copy is seen issued on 12.07.2017.

3. In the instance case, the Appeal is seen presented on 28.08.2017 under Rule 22 of the NCLAT Rules, 2016 (hereinafter referred to as the Rules). The Appeal when scrutinised on 29.08.2017 was found to be defective. Hence, the Appeal was returned with a direction to cure the defects and re-submit the same within a period of seven days. The Appeal is seen re-presented/ re-submitted on 30.08.2017, which is well within the period of seven days granted under sub-rule (2) to rule 26. The Section therefore, put up the matter before me for listing. However, the Appeal was found to be defective as the initial presentation of the Appeal was itself beyond the period of 45 days prescribed under the aforesaid provision of the Act. There was no

application for condonation of delay in filing the Appeal and therefore, the matter was directed to be listed before the Registrar Court.

4. On 04.09.2017, the Applicant is seen to have filed an application for condonation of delay in filing the Appeal. As the defect has been cured, list the matter before the Hon'ble Appellate Tribunal on 07.09.2017.

(C.S. Sudha)  
Registrar