

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

**M.A. No.122/2018**

**Un-numbered Company Appeal (AT) (Insolvency) No. /2018**  
**(F.No.14/06/2018/NCLAT/UR/501**

**In the matter of:**

Prowess International Pvt. Ltd. .... Appellant/ Petitioner  
Versus  
M/s Shyam Steel Industries Ltd. .... Respondent

Appearance: Ms. Suhita Mukhopadhyay, Advocate for the  
Petitioner.

**04.07.2018**

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 grounds taken for condoning the delay in re-filing the Memo of Appeal is that earlier the Petitioner cured the defects pointed out by the Office and when after removing the defects, the Petitioner went to file the Memo of Appeal, then he again was informed by the Office that there are some more defects and so the Petitioner removed that defects and re-filed the Memo of Appeal on 26.06.2018, whereas, as per the Rules, the Petitioner was required to file within seven days, which was going to be expired on 25.06.2018. So there is delay of one day only and delay was unintentional and beyond the control of the Petitioner, so the same may be condoned.

3. Heard the learned Lawyer of the Petitioner and perused the grounds mentioned in the Miscellaneous Petition as well as the Office report. Learned Lawyer appearing for the Petitioner submitted that there is delay of one day only and the reasons have already been explained in the Miscellaneous Petition and the same may be condoned.

4. Considering the averments made on behalf of the Petitioner in the Miscellaneous Petition, and the Office note, I find, as per Office

report, Memo of Appeal was filed within time and when the Memo of Appeal returned after pointing out the defects, then it could not be filed within the period prescribed under the Rules and reasons assigned by the Petitioner is that when after removing the defects, the Petitioner went to re-file the Memo of Appeal, then the Office again pointed out some more defects and so the Petitioner was required to remove that defects and accordingly in doing so, there is delay of one day in re-filing the Memo of Appeal.

5. Now the point for consideration is:

- i) Whether the Petitioner has explained the reasons for delay in filing the Memo of Appeal?
- ii) Whether the Petitioner is entitled to get any other relief?

6. Considering the averments made on behalf of the Petitioner, Office notes and the grounds taken by the Petitioner in Miscellaneous Petition, I think it proper to condone the delay in re-filing the Memo of Appeal. Accordingly, the delay in re-filing the Memo of Appeal is hereby condoned.

7. The Point No.1 is answered accordingly. So far as the Point No.2 is concerned, the Petitioner is not entitled for any other relief.

8. With the aforesaid order, this Miscellaneous Application stands disposed of.

9. On the request of the learned counsel, list the case on 06.07.2018 before the Hon'ble Bench for hearing on the point of admission.

(Abni Ranjan Kumar Sinha)  
Registrar

Dictated and corrected by me.

(Abni Ranjan Kumar Sinha)  
Registrar