

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

M.A. No.189/2018

Un-numbered Company Appeal (AT) (Insolvency) No. ___/2018
(F.No.30/07/2018/NCLAT/UR/675

In the matter of:

Uberlux Concepts Llp.

.... Appellant

Appearance: Shri Mohit Singh, Advocate for the Appellant.

29.10.2018

This is an application under sub-rule (2) to Rule 26 of the NCLAT Rules, 2016 (hereinafter referred to as the Rules) to extend the time granted for compliance.

2. The facts mentioned in the Miscellaneous Application as well as in Supplementary Miscellaneous Application in short is that the Memo of Appeal was filed on 30.07.2018 and the Office after scrutiny on 31.07.2018 intimated the defects on the same day and the Memo of Appeal was returned to the Appellant on 06.08.2018. Further, it is claimed that the defect was communicated to the Advocate on 02.08.2018 and not on 31.07.2018 and the Memo of Appeal was collected by the Counsel on 06.08.2018. Further, it is mentioned in the Supplementary Miscellaneous Application that the designated partner other than the authorized signatory of the Appellant was out of the country and came back to India only in 2nd week of September and thereafter, there was not a good relation in between her and the other designated partner, hence, the delay in re-filing the Memo of Appeal, so, same may be condoned.

3. Heard the learned Lawyer appearing for the Appellant, perused the averments made in the Miscellaneous Application as well as Supplementary Miscellaneous Application and the Office report.

4. Learned Lawyer appearing for the Appellant submitted that one of the defect pointed out by the Office regarding the original Board Resolution and in order to cure that defect, in fact, there is delay in re-filing the Memo of Appeal. He further submitted that the designated partner, other than the authorised signatory, who had to initial the Board Resolution was out of the country and she returned to India only in the 2nd week of September. Thereafter, there was not a good relation in between her and the other designated partner and that is the reason the defect could not be removed within the time prescribed under the law, so, same may be condoned.

5. Considering the submissions made on behalf of the learned Lawyer appearing for the Appellant and for the reasons mentioned in the Miscellaneous Application as well as Supplementary Miscellaneous Application, the delay in re-filing the Memo of Appeal is hereby condoned.

6. As prayed by learned Counsel, put up the case before the Hon'ble Bench under the heading for admission on 01.11.2018.

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

(Abni Ranjan Kumar Sinha)
Registrar

Dictated and corrected by me.

(Abni Ranjan Kumar Sinha)
Registrar