

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

**I.A. No.02/2019**  
**Un-numbered Competition Appeal (AT) No. /2018**  
**(F.No.06/12/2018/NCLAT/UR/98**

**In the matter of:**

Simbhaoli Sugars Ltd. .... Appellant

Versus

Competition Commission of India & Ors. .... Respondents

Appearance: Suneha Jain, Advocate for the Appellant.

**03.01.2019**

This is an application to extend the time granted for curing the defects.

2. The facts mentioned in the Interlocutory Application (IA) in short is that the Memo of Appeal was filed on 06.12.2018 and the Office after scrutiny of the Memo of Appeal on 07.12.2018 intimated the defects and returned the Memo of Appeal to the Appellant on 10.12.2018. The Appellant re-filed the Memo of Appeal on 21.12.2018. It is stated in the IA that the main Counsel who was handling the present appeal, suddenly left the office of the counsel for the Appellant on 13.12.2018 and the matter was assigned to the present counsel, i.e. Advocate Suneha Jain. However, she met with an accident and sprained her ankle due to which, she could not attend office and prepare the appeal for re-filing. When she resumed the work and presented the appeal before the Registry after removing the defects, the Registry informed that an application for condonation of delay in re-filing will have to be filed. The Counsel immediately drafted the application and called upon the Authorised Representative for signing the same. However, the Authorised Representative of the Appellant was in Lucknow for urgent official

work and the other Authorised Representative was also held up in Chandigarh for work. Another Authorised Representative was in Allahabad. Finally, Authorised Representative Mr. D.C. Popli, Chief Financial Officer was found to be available to sign the required application on 19.12.2018 and due to the aforesaid reasons, there is delay of 04 days in re-filing the Memo of Appeal, which is neither intentional nor deliberate but due to the aforesaid reasons, therefore, the same may be condoned.

3. Heard learned Counsel appearing for the Appellant, perused the averments made in the IA as well as report of the Office.

4. Considering the submissions made on behalf of the Appellant and for the reasons mentioned in the IA, which are sufficient, the delay in re-filing the Memo of Appeal is hereby condoned.

5. List the case before the Hon'ble Bench under the heading for admission on 04.01.2019.

6. With the aforesaid order, this IA stands disposed of.

(Peeush Pandey)  
Registrar