

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

M.A. No.163/2018

in

Un-numbered Competition Appeal (AT) No. /2018

(F.No.16/08/2018/NCLAT/UR/54

In the matter of:

Saara Traders Pvt. Ltd. & Anr. Appellants

Versus

Competition Commission of India & Ors. Respondents

Appearance: Ms. Aditi Sharma, Advocate for the Appellants.

13.09.2018

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

2. The facts mentioned in the Miscellaneous Application in short is that the Appellant filed the Memo of Appeal on 16.08.2018 and the Office after scrutiny intimated the defects on 20.08.2018 and the Memo of Appeal was returned to the Appellant on 21.08.2018. Further, since one of the defect pointed out by the Office was regarding the typographical error in the affidavit, so in order to remove that defect, the Counsel had to contact the Appellant, who is the resident of Pune, Maharashtra and, therefore, in doing so there is a delay of 11 days, hence, same may be condoned.

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

4. Learned Lawyer appearing for the Appellant submitted that when after removing the defects, the Appellant went to re-file the Memo of Appeal, then Office again pointed out some defect, which

relates to the typographical error, so, in order to cure that defect, the Memo of Appeal was sent to Pune, Maharashtra where the Appellants reside and, hence, in order to cure the subsequent defect pointed out by the Office, there is a delay of 11 days, hence, same may be condoned.

5. Now the point for consideration is:

- i) Whether the Appellants have explained the reasons for delay in filing the Memo of Appeal?
- ii) Whether the Appellants are entitled to get any other relief?

6. Considering the averments made in the Miscellaneous Application and submission of the learned Counsel, 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 Appellants are not entitled for any other relief.

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

9. Let the case be listed before the Hon'ble Bench on 17.09.2018 for hearing.

(Abni Ranjan Kumar Sinha)
Registrar

Dictated and corrected by me.

(Abni Ranjan Kumar Sinha)
Registrar