

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

M.A. No.194/2018

Un-numbered Company Appeal (AT) (Insolvency) No. ___/2018
(F.No.24/09/2018/NCLAT/UR/902

In the matter of:

Ravi Goyal Appellant

Versus

Butterfly Appliances Respondent

Appearance: Shri Mayank Badoni, Advocate for the Appellant.

26.10.2018

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 in short is that the Memo of Appeal was filed on 24.09.2018 and on 25.09.2018, Office after scrutiny of the Memo of Appeal intimated the defects on the same day and the file was handed over to the Counsel on 28.09.2018 and the Appellant after removing the defects re-filed it on 22.10.2018, so, there is delay of 20 days. Further, the reason given by the Appellant in the Miscellaneous Application for not re-filing the Memo of Appeal within the period prescribed under the law is that due to the personal reasons beyond the control of the Counsel, the Memo of Appeal could not be re-filed within the period prescribed under the law, so, delay in re-filing the Memo of Appeal may be condoned.

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

4. Learned Counsel appearing for the Appellant submitted that father-in-law of the conducting Lawyer was not well and that is the reason the Memo of Appeal could not be re-filed within the time prescribed under the Rules, so, same may be condoned.

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

6. Let the case be listed before the Hon'ble Bench under the heading for admission on 30.10.2018.

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