THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL <u>NEW DELHI</u>

<u>M.A. No.125/2018 with Supplementary Application</u> <u>Un-numbered Company Appeal (AT)) (Insolvency) No. /2018</u> <u>(F.No.10/05/2018/NCLAT/UR/372</u>

In the matter of:

| M/s. Bhaskara A | Agro Agencies | Appellant |
|--|---|-------------|
| Versus | | |
| M/s. Super Agri Seeds Pvt. Ltd. & Ors. | | Respondents |
| Appearance: | Mr. Judy James and Mr. Avinash Bhatia, Advocates for the Appellant | |

17.07.2018

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. By filing Supplementary Application, learned lawyer appearing for the Appellant submitted that after the defect pointed out by the Office on 11.05.2018, the Appellant was required to remove the defects within seven days, but it could not be removed within such period. He further submitted that the Appellant is the resident of Nizamabad, Telangana State and during the month of May 2018, there was wedding ceremony in the family of the Appellant, so he could not come to Delhi during that period. He further submitted that thereafter, there was Court vacations from 01.06.2018 to 02.07.2018 and during that period the counsel himself was away from Delhi and due to these reasons, the application could not be refiled within time, so same may be condoned.

3. Considering the averments made on behalf of the Appellant and on perusal of the Office notes as well as the grounds taken by the Appellant in Supplementary Application, I find that the reason for not filing the Memo of Appeal within time is that there was marriage ceremony in the family of the Appellant in the month of May 2018 and thereafter, due to Court vacations, the conducting lawyer himself was out of station and when he came back, he re-filed the Memo of Appeal on 10.07.2018 and in doing so there is a delay of 53 days.

- 4. Now the point for consideration is:
 - i) Whether the Appellant has explained the reasons for delay in filing the Memo of Appeal?
 - ii) Whether the Appellants are entitled to get any other relief?

5. Considering the grounds mentioned in the Supplementary Application and the submissions of the Appellant, the delay in refiling the Memo of Appeal is hereby condoned. However, there is also delay in filing the Memo of Appeal, so same may be placed before the Hon'ble Bench for admission as well as for hearing on the point of limitation.

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

7. With the aforesaid order, this Miscellaneous as well as Supplementary Applications stand disposed of.

8. As prayed by learned counsel, put up on 23.07.2018 before the Hon'ble Bench for hearing on the point of limitation and admission.

(Abni Ranjan Kumar Sinha) Registrar

Dictated and corrected by me.

(Abni Ranjan Kumar Sinha) Registrar