

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

M.A. No.157/2018
Company Appeal (AT) No.275/2018
(F.No.14/08/2018/NCLAT/UR/732

In the matter of:

Sparold Technologies Pvt. Ltd. & Anr. Appellants

Versus

Shuchindra Narendra Gadre & Ors. Respondents

Appearance: Shri Videh Vaish, Advocate for the Appellants

05.09.2018

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 Appellants filed the Memo of Appeal on 14.08.2018 and the Office after scrutiny intimated the defects on 17.08.2018 and the Memo of Appeal was returned to the Appellants on 18.08.2018. Further, one of the defect pointed out by the Office was that the original board resolution was not filed on behalf of the Appellants, so, in order to remove that defect, the conducting Lawyer of the Appellants approached to the Appellants, who subsequently sent the original board resolution from Mumbai, but due to inadvertent an incomplete board resolution was sent and that is the reason in order to get the complete board resolution, there is a delay of seven days in removing the defects, so, same may be condoned.

3. Heard the learned Lawyer appearing for the Appellants, perused the averments made in the Miscellaneous Application and the Office report.

4. Learned Lawyer appearing for the Appellants submitted that in order to remove the defect as pointed out by the Office, there is a delay of seven days, so, 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 submissions made on behalf of the learned Lawyer appearing for the Appellants and for the grounds mentioned in the Miscellaneous Application, 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 06.09.2018 for hearing.

(Abni Ranjan Kumar Sinha)
Registrar

Dictated and corrected by me.

(Abni Ranjan Kumar Sinha)
Registrar