

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

**M.A. No.165/2018**  
**Un-numbered Company Appeal (AT) No. \_\_\_/2018**  
**(F.No.20/08/2018/NCLAT/UR/762**

**In the matter of:**

Chafin Financial Consultants Pvt. Ltd. .... Appellant

Versus

The Registrar of Companies .... Respondent

Appearance: Shri Anurag Singh, Advocate for the Appellant

**13.09.2018**

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 Appellant filed the Memo of Appeal on 20.08.2018 and the Office after scrutiny intimated the defects on 23.08.2018 and the Memo of Appeal was returned to the Appellant on 24.08.2018. Further, since the Advocate's Clerk was fallen ill and he could join the Office only on 04.09.2018 and thereafter, the defects were cured and in doing so, there is a delay of 12 days in re-filing the Memo of Appeal, so, same may be condoned.

3. Apart from the abovesaid facts, as per Office note, the Appellant has also not removed the defect No.10 pointed out by the Office. It is mentioned in the defect sheet by the Appellant that since the name of the company is struck off, therefore, no Board Resolution can be passed by the said company, so, it could not be produced.

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

5. Learned Lawyer appearing for the Appellant submitted that the Appellant has filed the Memo of Appeal on 20.08.2018 and after removing the defects the Memo of Appeal was re-filed on 11.09.2018

and so there is a delay of 12 days in re-filing the Memo of Appeal, so, same may be condoned.

6. So far the defect No.10 pointed out by the Office is concerned, learned Counsel submitted that he has already mentioned this fact that company is struck off, so, the question of filing Board Resolution does not arise.

7. Considering these facts, the defect No.10 as pointed out by the Office is hereby ignored.

8. 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 Appellant is entitled to get any other relief?

9. So far the delay in re-filing the Memo of Appeal is concerned, for the reasons 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.

10. 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.

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

12. Let the case be listed before the Hon'ble Bench No.2 on 14.09.2018 for hearing.

(Abni Ranjan Kumar Sinha)  
Registrar

Dictated and corrected by me.

(Abni Ranjan Kumar Sinha)  
Registrar