

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

**M.A. No.162/2018**

**Un-numbered Company Appeal (AT) (Insolvency) No. \_\_\_/2018**  
**(F.No.24/08/2018/NCLAT/UR/786**

**In the matter of:**

Deepak Sharma

.... Appellant

Versus

Edelweiss Asset Reconstruction  
Company Ltd. & Anr.

.... Respondents

Appearance: Shri Rajeev Narayan, Advocate for the Appellant

**11.09.2018**

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 this Memo of Appeal on 24.08.2018 and the Office after scrutiny intimated the defects to the Appellant on 27.08.2018 and the Memo of Appeal was returned to the Appellant for rectification on 28.08.2018. Further, as per the Rules, the Memo of Appeal was required to be re-filed within seven days from the date of intimation, but it could not be filed because the Counsel was not well. Further, since there is a delay of four days in re-filing the Memo of Appeal, so, 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 there is a delay of only four days in re-filing the Memo of Appeal because after removing the defect, when the Appellant went to re-file it on 05.09.2018, then he has been informed that he has to file an application for condonation of delay, since the Appellant is residing in

Kolkata, therefore, the Memo of Appeal was re-filed on 07.09.2018, so, same may be condoned.

5. 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?

6. Considering the averments made in the Miscellaneous Application and the submissions 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 Appellant is 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 14.09.2018 for hearing.

(Abni Ranjan Kumar Sinha)  
Registrar

Dictated and corrected by me.

(Abni Ranjan Kumar Sinha)  
Registrar