

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

M.A. No.161/2018

in

Un-numbered Company Appeal (AT) (Insolvency) No. ___/2018
(F.No.16/08/2018/NCLAT/UR/738

In the matter of:

S. Chandra Mohan & Ors. Appellant

Versus

JM Financial Asset Reconstruction Co. Ltd. Respondents

Appearance: Ms. Tanya, Advocate for the Appellants

10.09.2018

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 16.08.2018. Thereafter, the Office after scrutiny pointed out the defects on 20.08.2018, but the same was not communicated to the Appellants or his legal Counsel as the contact number was not available. Further, since the Appellant was unwell, therefore, he could not collect the Memo of Appeal till 31.08.2018, but thereafter collecting the Memo of Appeal, he removed the defects and re-filed on 06.09.2018, so, delay in re-filing the Memo of Appeal may be condoned.

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

4. Learned Lawyer appearing for the Appellants submitted that there is a delay of 10 days in re-filing the Memo of Appeal and for the

reasons mentioned in the Miscellaneous Application, 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 Appellants and the averments made in the Miscellaneous Application as well as Office report, I think, it proper to condone the delay in re-filing the Memo of Appeal for the reasons mentioned in the Miscellaneous Application. 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. As prayed by the learned Counsel, list the case 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