

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

**M.A. No.123/2018**

**In**

**Contempt Case No. \_\_\_/2018 (Contempt)**

**In**

**Company Appeal (AT) No.179/2018**

**In the matter of:**

Smt. D. Hymavathi Reddy ..... Appellant/Petitioner

Versus

M/s. Prajay Engineers Syndicate Ltd. & Ors. .... Respondents

Appearance: Ms. Wamika Trehan, Advocate for the Petitioner.

**06.07.2018**

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. The grounds mentioned for condoning the delay is that the Petitioner after removing the defects, in fact, re-filed the Contempt Application on 21.06.2018, but the Petitioner was advised to file it along with the Miscellaneous Petition and that is the reason that application was not accepted on 21.06.2018 and thereafter, the Petitioner again filed original application along with Miscellaneous Petition on 25.06.2018 and in doing so there is delay of three days because after pointing out the defects, the original file was handed over to the petitioner on 14.06.2018. Thereafter, the Petitioner re-filed the application on 25.06.2018 and so, the delay may be condoned.

3. Heard learned counsel for the Petitioner and perused the averments made in the Miscellaneous Application as well as the Office notes. Learned Lawyer appearing for the Petitioner submitted that earlier the Petitioner filed the application within time, but when the Petitioner was advised to re-file it along with the Miscellaneous Petition, then the Petitioner again re-filed it along with Miscellaneous Petition and in doing so there is delay of three days and the same may be condoned.

4. Considering the averments made on behalf of the Petitioner in the Miscellaneous Petition, and the report of the Office, I find, after pointing out the defects, the original Contempt Application was returned to the Petitioner on 14.06.2018 and according to the NCLAT Rules, the Petitioner was required to re-file it on 21.06.2018, whereas the Petitioner re-filed it on 25.06.2018, so there is delay of only three days

5. Now the points to be considered is that:-

- i) Whether the delay in re-filing the Contempt Application has been properly explained and the delay is liable to be condoned?
- ii) Whether the Petitioner is entitled to get any other relief?

6. Considering the facts stated by Petitioner in the Miscellaneous Petition, I think it proper to condone the delay in re-filing the Contempt Application. Accordingly, the delay in re-filing the Contempt Application is hereby condoned.

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

8. With the aforesaid order, the application for condoning the delay stands disposed of.

9. It has been submitted by the learned Lawyer appearing for the Petitioner that the main case is being listed on 13.07.2018 and so the Contempt Application may be listed on the same day.

10. On the request of the learned counsel, list the case on 13.07.2018 before the Hon'ble Appellate Tribunal.

(Abni Ranjan Kumar Sinha)  
Registrar

Dictated and corrected by me.

(Abni Ranjan Kumar Sinha)  
Registrar