

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

**M.A. No.129/2018**

**Un-numbered Company Appeal (AT) (Insolvency) No. \_\_\_/2018**  
**(F.No.09/07/2018/NCLAT/UR/576**

**In the matter of:**

M/s. Daya Engineering Works Pvt. Ltd. .... Appellant

Versus

M/s. UIC Udyog Ltd. .... Respondent

Appearance: Ms. Ankita Patnaik, Advocate for the Appellant

**23.07.2018**

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 facts mentioned in the Miscellaneous Application in short are that the Appellant filed this Memo of Appeal on 9<sup>th</sup> July, 2018 and after scrutiny the Office intimated regarding the defects on 10<sup>th</sup> July, 2018 and thereafter, the Appellant collected the Memo of Appeal on 11<sup>th</sup> July, 2018. It is further submitted that in order to remove the defects, the conducting lawyer had contacted with the learned lawyer, who was earlier conducting the case before the NCLT, Kolkata Bench and in doing so, there is delay of three days and so, same may be condoned.

3. Heard learned lawyer appearing for the Appellant and perused the averments made in the Miscellaneous Application as well as Office report. As per the Office report, there is delay of three days in re-filing the Memo of Appeal after removing the defects.

4. Learned lawyer appearing for the Appellant submitted that in order to remove the defects, she had to take some instructions from the earlier lawyer, who was conducting the case before the NCLT, Kolkata Bench and in doing so, there is delay of three days, 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 Appellants are entitled to get any other relief?
6. Considering the submissions made by the learned counsel and the averments in the Miscellaneous Application as well as the Office notes, 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. As prayed by learned lawyer, put up the case on 26.07.2018 before the Hon'ble Bench for admission.

(Abni Ranjan Kumar Sinha)  
Registrar

Dictated and corrected by me.

(Abni Ranjan Kumar Sinha)  
Registrar