

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

M.A. No.188/2018
Un-numbered Company Appeal (AT) No. ___/2018
(F.No.17/09/2018/NCLAT/UR/873

In the matter of:

O. Arumugasamy Appellant

Versus

M/s. Chandra Spinning & Weaving Mills
Pvt. Ltd. & Ors. Respondents

Appearance: Shri B. Ragunath and Shri Sarath S. Janardanan,
Advocates for the Appellant.

22.10.2018

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 Memo of Appeal was filed on 17.09.2018 and the Office after scrutiny of the Memo of Appeal on 18.09.2018 intimated the defects to the Appellant on the same day and the Memo of Appeal was returned to the Appellant on 27.09.2018 and it was re-filed on 09.10.2018. Further, the ground for delay in re-filing the Memo of Appeal is that there were certain defects, which can only be cured after getting clarification from the client, who is residing in Coimbatore and, so, in order to cure the defects, there is a delay of 14 days as pointed out by the Office, hence, 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 that in order to cure the defects as pointed out by the Office, the Appellant's

counsel had to consult with his client, who is residing in Coimbatore and in doing so, there is a delay of 14 days, so, same may be condoned.

5. Considering the submissions made on behalf of the Appellant and for the reasons mentioned in the Miscellaneous Application, the delay in re-filing the Memo of Appeal is hereby condoned.

6. In course of hearing, the learned Lawyer appearing for the Appellant submitted that the connecting matters have already been ordered to be listed on 01.11.2018, so this case may also be listed on that date along with other cases.

7. As prayed, list the case before the Hon'ble Bench under the heading for admission on 01.11.2018.

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

(Abni Ranjan Kumar Sinha)
Registrar

Dictated and corrected by me.

(Abni Ranjan Kumar Sinha)
Registrar