

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

I.A. No.2087/2018
Un-numbered Company Appeal (AT) No. ___/2018
(F.No.29/11/2018/NCLAT/UR/1092

In the matter of:

Bridge E-Solutions Pvt. Ltd. Appellant

Versus

Bridge Solutions Group Inc. Respondent

Appearance: Mr. Pankaj Jain, Advocate for the Appellant.

20.12.2018

This is an application under sub-rule (2) to Rule 26 of the NCLAT Rules, 2016 (the Rules) to extend the time granted for compliance.

2. The facts mentioned in the Interlocutory Application in short is that the Appellant filed the Memo of Appeal on 29.11.2018 and the Office after scrutiny of the Memo of Appeal on 30.11.2018 intimated the defects on the same day and the Memo of Appeal was returned to the Appellant on 03.12.2018. It is submitted in the IA that the Counsel for the Appellant intimated the Appellant about the requirement of the Board Resolution in original. The Appellant arranged for the Board Resolution to be sent to their Counsel in New Delhi from Agra and the same was received by the Counsel on 8th December, 2018 and the Appeal was refiled without any further delay. Hence, there is delay of 11 days in re-filing the Memo of Appeal, which is neither intentional nor caused due to the carelessness of the Appellant but has occurred due to the aforementioned unavoidable circumstances, so, the same may be condoned.

3. Apart from that, the Registry has pointed out that defect No.5 has also not been cured by the Appellant. Defect No.5 is that Appeal is barred by limitation and hence, an application for condonation of delay is required to be filed by the Appellant.

4. Heard the learned Counsel appearing for the Appellant, perused the averments made in the Interlocutory Application as well as Office report.

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

6. So far as defect No.5 is concerned, learned Counsel during the course of arguments stated that they will file the application for condonation of delay. If the Appellant files the application for condonation of delay before the next date, Registry may prepare a note accordingly.

7. As prayed by learned Counsel, put up the case before the Hon'ble Bench under the heading for admission with defect on 02.01.2019.

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

(Peeush Pandey)
Registrar