

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeals (AT) No.76 of 2017

IN THE MATTER OF:

M/s Bengal Chemicals & Druggists Association

...Appellants

Vs

Kalyan Choudhury

...Respondent

**Present: None for the Appellants.
Mr S.N. Sinha, Advocate for the Respondent.**

ORDER

11.04.2017- In spite of repeated call nobody appeared on behalf of the appellants.

Learned Counsel for the Respondent is present.

This apart we find that the appellants have filed an application for condoning the delay of 99 days in preferring the appeal. Under Section 421 of the Companies Act an appeal can be preferred within 45 days of communication of the order and the Appellate Tribunal has jurisdiction to condone the delay of maximum 45 days. In the aforesaid background it has not been made clear as to how the appellant is entitled for condonation of delay of more than 45 days.

In any event without deliberating on the question of delay, we dismiss the appeal for non-prosecution.

(Justice S.J. Mukhopadhaya)
Chairperson

(Mr. Balvinder Singh)
Member (Technical)