

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

M.A. No.158/2018

in

Un-numbered Company Appeal (AT) (Insolvency) No. ___/2018
(F.No.20/08/2018/NCLAT/UR/758

In the matter of:

Central Bank of India Appellant

Versus

Resolution Professional of the
Sirpur Paper Mills Ltd. & Anr. Respondents

Appearance: Ms. Ashlycherian, Advocate for the Appellant

07.09.2018

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 Appellant filed the Memo of Appeal on 20.08.2018 and the Office after scrutiny intimated the defects to the Appellant on 23.08.2018 and on the same day, the Memo of Appeal was also returned to the Appellant for removing the defects. Further, after removing the defects when the Appellant went to re-file the Memo of Appeal within seven days from the date of intimation, then the Registry refused to receive the Memo of Appeal on the ground that the fluid has been sued in the affidavit and, so, in order to remove that fresh defect, there is a delay of five days in re-filing the Memo of Appeal, so, 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. As per the Office report, there is a delay of five days in re-filing the Memo of Appeal. Learned Lawyer appearing for the Appellant submitted that after removing the defect, when the Appellant went to re-file the Memo of Appeal within seven days from the date of intimation, then again the Office pointed out some defect and in order to cure that defect, there is delay of five 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 Appellant is entitled to get any other relief?

6. Considering the submissions and the averments made in the Miscellaneous Application, 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 the learned Counsel, list the case before the Hon'ble Bench on 12.09.2018 for hearing.

(Abni Ranjan Kumar Sinha)
Registrar

Dictated and corrected by me.

(Abni Ranjan Kumar Sinha)
Registrar