

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

M.A. No.160/2018
Un-numbered Company Appeal (AT) (Insolvency) No. ___/2018
(F.No.27/08/2018/NCLAT/UR/791

In the matter of:

Ms. Madhu Appellant

Versus

M.M. Cargo Container Line Pvt. Ltd. & Anr. Respondents

Appearance: Shri Sunil Sharma, Advocate for the Appellant

11.09.2018

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 27.08.2018 and the Office after scrutiny of the Memo of Appeal intimated the defects on 29.08.2018 and on the same day Memo of Appeal was returned to the Appellant. Since, the Counsel for the Appellant was hospitalized due to high fever, so, same could not be re-filed within seven days, rather, there is a delay of one day 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 report of the Office, there is a delay of one day only in re-filing the Memo of Appeal.

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 averments made in the Miscellaneous Application and the submission made by the learned Counsel, 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. Let the case be listed before the Hon'ble Bench on 14.09.2018 for hearing.

(Abni Ranjan Kumar Sinha)
Registrar

Dictated and corrected by me.

(Abni Ranjan Kumar Sinha)
Registrar