

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

M.A. No.164/2018
Un-numbered Company Appeal (AT) (Insolvency) No. ___/2018
(F.No.24/08/2018/NCLAT/UR/780

In the matter of:

Radius Infratel Pvt. Ltd. Appellant

Versus

Union Bank of India Respondent

Appearance: Shri Karunesh Tandon, 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 24.08.2018 and the Office after scrutiny intimated the defects to the Appellant on 27.08.2018 and the Memo of Appeal was returned to the Appellant on 28.08.2018. Further, as per the Rules, the Memo of Appeal was to be re-filed within seven days from the date of intimation, but it could not be re-filed within time because there were several defects pointed out by the Office, so, delay of four days 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 there is a delay of two days in re-filing the Memo of Appeal, 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 made on behalf of the learned Lawyer for the Appellant and for the reasons mentioned 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. 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