

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

M.A. No.128/2018

In

Un-numbered Company Appeal (AT) No. ___/2018
(F.No.25/06/2018/NCLAT/UR/532)

In the matter of:

M/s Capital Engineering Works Pvt. Ltd. Appellant

Versus

Registrar of Companies, Delhi Respondent

Appearance: Mr. Nishant Kumar, Advocate for the Appellant.

20.07.2018

This is an application (no provision of law mentioned) to extend the time granted for compliance given under sub-rule (2) to rule 26 of the NCLAT Rules, 2016 (hereinafter referred to as the Rules).

2. The facts mentioned in the Miscellaneous Application is that the present Appeal was filed on 25.06.2017. Thereafter, the Office after scrutiny pointed out the defects and the same was intimated to the Appellant's counsel on 27.06.2018 and the file was returned to him on 28.06.2018. Further, since the Company's Director, who was authorised representative of the Company was travelling out of Delhi on official business, therefore, the defects could not be cured earlier and in doing so, there is a delay of 14 days and the same may be condoned.

3. Heard learned lawyer appearing for the Appellant and perused the Office note as well as the averments made in the Miscellaneous Application. Learned lawyer appearing for the Appellant submitted that the defect pointed out by the Office could not be cured because the Company's Director was travelling out of Delhi on official business and as soon as he returned, the defects pointed out by the

Office was removed and the Memo of Appeal was re-filed and in doing so there is delay of 14 days, so the same may be condoned.

4. Considering the averments made in the Miscellaneous Application, submissions made on behalf of the Appellant and the report of the Office, I find that as per the report of Office there is delay of 13 days and the reasons assigned by the Appellant is that the person who was responsible for removing the defect was not in Delhi, so there is delay of 13 days.

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 Appellants are entitled to get any other relief?

6. Considering the facts and the averments made in the Miscellaneous Application by the Appellant, 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. List the case before the Hon'ble Bench on 23.07.2018 for admission.

(Abni Ranjan Kumar Sinha)
Registrar

Dictated and corrected by me.

(Abni Ranjan Kumar Sinha)
Registrar