

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

M.A. No.135/2018
Un-numbered Company Appeal (AT) No. ___/2018
(F.No.12/07/2018/NCLAT/UR/609

In the matter of:

Yamini Bipinchandra Shah & Ors. Appellant

Versus

Trimbak Estates Pvt. Ltd. & Ors. Respondents

Appearance: Mr. Mrinal Gunjan, Chartered Account for the
Appellant

30.07.2018

This is an application under Rule 26(3) of the NCLAT Rules, 2016 (hereinafter referred to as the Rules) to extend the time granted for compliance given under sub-rule (2) to Rule 26.

2. The facts mentioned in the Miscellaneous Application in short is that the Appellant has filed the Memo of Appeal on 12.07.2018 and after scrutiny, the Office has pointed out some defects and intimated the same to the Appellant on 16.07.2018, whereas, the Memo of Appeal was returned to the Appellant on 25.07.2018. Further, since the Memorandum of Appeal was voluminous document of around 450 pages and the number of Respondents are 50, that is the reason the Appellant took time to arrange the photocopy of the entire set and in doing so, there is a delay of two days and so the same may be condoned.

3. Heard Mr. Mrinal Gunjan, Chartered Accountant appearing for the Appellant. In the course of hearing Mr. Mrinal Gunjan has filed his appearance. He submitted that since the Memo of Appeal is voluminous and so the Appellant took time in removing the defects

pointed out by the Office and in doing so, there is a delay of two days, therefore, same may be condoned.

4. 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?

5. Considering the averments made in the Miscellaneous Application and the submissions by Mr. Mrinal Gunjan and the report of the Office, I find, the reason for delay in re-filing the Memo of Appeal is that the Memo of Appeal was voluminous and so, the Appellant took time in removing the defects. Considering the aforesaid reason, 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.

6. 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.

7. With the aforesaid order, this Miscellaneous Application stands disposed of.

8. Let the case be listed for hearing before the Hon'ble Bench on 01.08.2018.

(Abni Ranjan Kumar Sinha)
Registrar

Dictated and corrected by me.

(Abni Ranjan Kumar Sinha)
Registrar