

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

M.A. No.159/2018

Un-numbered Company Appeal (AT) (Insolvency) No. ___/2018
(F.No.06/08/2018/NCLAT/UR/696

In the matter of:

Manjeet Cotton Pvt. Ltd. Appellant

Versus

Maruti Cotex Ltd. Respondents

Appearance: Mr. Rohit Rathi, Advocate for the Appellant

10.09.2018

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 06.08.2018 and the Office after scrutiny of the Memo of Appeal intimated the defects on 08.08.2018 and the Memo of Appeal was returned to the Appellant on 09.08.2018, but the defects could not be cured within seven days, rather, there is a delay of 17 days in re-filing the Memo of Appeal. Further, since one of the defect was that the Memo of Appeal was not in the prescribed format as per NCLAT Rules, so, in order to remove that defect, there is a delay of 17 days, so, same may be condoned.

3. Further, apart from above, one of the defect, i.e. defect No.14 is also not cured.

4. Heard learned Lawyer appearing for the Appellant, perused the averments made in the Miscellaneous Application as well as report of the Office.

5. Learned Lawyer submitted that so far defect No.14 is concerned, he has already submitted an application stating therein that Mr. Sanchit Rajpal and Mr. Sanchit Singh Rajpal both are same and, so, same may be ignored.

6. He further submitted that so far delay in re-filing the Memo of Appeal is concerned, one of the defect pointed out by the Office was that the Memo of Appeal was not in Form NCLAT-1 and, so, in order to remove that defect, the Appellant took 17 days, so, same may be condoned.

7. Considering the averments made on behalf of the learned Lawyer appearing for the Appellant and for the reasons mentioned in the Miscellaneous application and report of the Office, so far defect No.14 is concerned, learned Counsel mentioned this fact that Mr. Sanchit Rajpal and Mr. Sanchit Singh Rajpal both are the same person, so, considering these facts, defect No.14 is hereby ignored.

8. 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?

9. So far the delay in re-filing the Memo of Appeal is concerned, 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.

10. 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.

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

12. Let the case be listed before the Hon'ble Bench on 11.09.2018 for hearing.

(Abni Ranjan Kumar Sinha)
Registrar

Dictated and corrected by me.

(Abni Ranjan Kumar Sinha)
Registrar