

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

M.A. No.190/2018
Un-numbered Company Appeal (AT) (Insolvency) No. ___/2018
(F.No.18/09/2018/NCLAT/UR/878

In the matter of:

ROC – Bangalore & Anr. Appellants

Versus

M/s. South India Cements Ltd. Respondent

Appearance: Shri Gaurav Rohilla, Advocate for the Appellants.

23.10.2018

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 Memo of Appeal was filed on 18.09.2018 and the Office on 19.09.2018, after scrutiny, intimated the defects on the same day and the Memo of Appeal was also returned on that day. Further, since the matter relates to ROC Bangalore and, so, the objections pointed out by the Office need to be removed by ROC Bangalore with the prior approval of Ministry of Corporate Affairs and due to this, there is a delay of 15 days in re-filing the Memo of Appeal, so, same may be condoned.

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

4. Learned Lawyer appearing for the Appellants submitted that he has removed all the defects except the defect about the caveat

clearance. He further submitted that since in order to cure the defects, prior approval of the Ministry of Corporate Affairs was also required, so, in order to obtain approval, there is a delay of 15 days in re-filing the Memo of Appeal, so, same may condoned.

5. Considering the averments made in the Miscellaneous Application and the submissions of the learned Counsel, the delay in re-filing the Memo of Appeal is hereby condoned.

6. So far the defect pointed out by the Office is concerned, of course, the learned Counsel mentioned in the defect sheet that he has cured all the defects, but as per Office, the caveat clearance is not filed. So, considering these facts, let the case be listed before the Hon'ble Bench on 26.10.2018, as prayed by the learned Counsel, under the heading for admission with defect.

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

(Abni Ranjan Kumar Sinha)
Registrar

Dictated and corrected by me.

(Abni Ranjan Kumar Sinha)
Registrar