

STANDARD OPERATING PROCEDURE (SOP)

for Submission and Processing of Applications for Filing of any Application in pending matters, Urgent Listing/Mentioning of Fresh Appeal/Applications, for submission of adjournment applications and applications for Extension of Time before the National Company Law Appellate Tribunal, Principal Bench, New Delhi.

In order to streamline the procedure relating to filing of applications in pending matters, urgent listing/ mentioning of fresh appeals/applications, adjournment applications and applications seeking extension of time, and to facilitate expeditious processing thereof, the following Standard Operating Procedure shall be followed at National Company Law Appellate Tribunal, Principal Bench, New Delhi with immediate effect until further orders.

1. Scope

This SOP shall govern the filing and consideration of the following requests:

- (a) Applications seeking permission for filing any Application in pending matters;**(Form A)**
- (b) Applications for Urgent (Mentioning) Cases for Listing / Accommodation;**(Form B)**
- (c) Applications seeking Adjournment;**(Form C)**
- (d) Applications seeking Extension of Time for filing Reply, Rejoinder, Process Fee, Additional Documents or any other document permitted by the Tribunal **(Form D)**.

2. Prescribed Forms

All requests shall be made only in the prescribed formats notified by the Registry.

Incomplete applications or applications not submitted in the prescribed format shall not ordinarily be processed/ will summarily be rejected.

3. Mode of Submission

All applications covered under this SOP shall be submitted only through e-mail at:

principalbench.mentioning@nclat.gov.in

The subject line of the e-mail shall clearly mention:

- Case Number/E-filing Number;
- Nature of Request; and
- Date of Listing (where applicable).

4. Time for Submission

Applications shall be submitted latest by **3:00 PM on the working day (Monday to Friday) preceding the date on which the request is intended to be considered.**

Applications received thereafter shall ordinarily be considered on the next working day unless the concerned Bench directs otherwise.

5. Urgent Listing / Mentioning

The form shall clearly disclose:

- Details of Order of Adjudicating Authority;
- the grounds of urgency;
- the precise relief sought;
- the stage of the matter;
- whether notice has been issued (if applicable);
- whether all parties have been informed (if applicable); and
- complete particulars of the counsel appearing for Applicant

Mere filing of an application shall not entitle the applicant to urgent listing.

6. Fresh Applications

Where any interlocutory application is proposed to be filed in a pending matter, the party shall submit the application in the prescribed form through the aforesaid e-mail.

The form shall indicate:

- nature of the application proposed to be filed;
 - reasons necessitating such filing;
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7. Applications for Adjournment

Applications seeking adjournment shall specifically disclose:

- the reasons necessitating adjournment;
- the number of adjournments already granted;
- whether any interim order is operating;
- the next date fixed;

- and all other particulars contained in the prescribed form.
 - Where notice has already been issued in the matter, **a copy of the adjournment application shall be served upon all appearing parties before submission of the application to the Registry.**
 - Proof of such service shall accompany the form
 - The applicant shall, as far as practicable, obtain an endorsement of **"No Objection"** from the learned counsel appearing for the opposite party on the adjournment application before the same is submitted.
 - Where the opposite party refuses to endorse "No Objection", the applicant shall specifically mention in the application that:
"No Objection was sought from the opposite party, however the same was declined/refused."
 - The absence of such endorsement shall not by itself preclude the matter from being placed before the Hon'ble Bench.
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8. Applications for Extension of Time

Applications seeking extension of time for filing reply, rejoinder, process fee, additional documents or any other document shall clearly state:

- the period of delay;
 - the order under which the filing was required;
 - reasons for the delay; and
 - the period of extension sought.
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9. Scrutiny by Registry

Upon receipt of the application through the designated e-mail address, the Registry shall examine whether:

- the prescribed format has been used;
- All particulars have been furnished;
- supporting documents, where applicable, have been enclosed;
- proof of service, wherever required, has been furnished; and
- the application is otherwise complete.

Incomplete applications or applications not submitted in the prescribed format shall not ordinarily be processed/ will summarily be rejected.

10. Placing Before the Bench

After scrutiny, applications which are complete in all respects as mentioned under this SOP shall be placed before the **concerned Hon'ble Bench** having jurisdiction over the matter for appropriate orders.

No application shall be treated as allowed merely because it has been submitted through e-mail.

11. Communication of Orders

After orders are passed by the concerned Hon'ble Bench, the Registry shall communicate the decision to the parties through the **e-mail address furnished in the application**.

Such communication shall constitute intimation of the order unless otherwise directed by the Hon'ble Bench.

12. Discretion of the Bench

Nothing contained in this SOP shall curtail or affect the inherent powers or discretion of the Hon'ble Bench to:

- permit or refuse urgent listing;
 - grant or decline adjournment;
 - grant or refuse extension of time;
 - direct physical appearance;
 - or pass such other orders as may be considered appropriate in the interests of justice.
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13. General

1. Submission of application in the prescribed form under this SOP shall not create any vested right in favour of the applicant.
2. Any false statement or suppression of material facts in the application may invite appropriate orders.
3. The Registry may issue suitable administrative instructions consistent with this SOP for its effective implementation.
4. This SOP shall come into force with immediate effect and shall remain operative until modified or superseded by further orders.

IN THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

FORM FOR FILING OF ANY APPLICATION IN PENDING MATTER

CASE TYPE _____

APPEAL NUMBER _____

APPLICATION FILING NUMBER _____

_____ Appellant (s) / Applicant (s)

VERSUS

_____ Respondent (s)

GROUND(S) FOR SUBMITTING THE APPLICATION):

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Detail about main case

- | | | |
|----|----------------------|---|
| 1. | Stage of Matter | : |
| 2. | Concerned Bench | : |
| 3. | Next Date of Hearing | : |
| 4. | Last Date of Hearing | : |

Signature _____

Name of the Counsel _____

Enrolment No. _____

Email ID _____

Mobile No. _____

Advocate for the Appellant / Respondent

Date: _____

Place: New Delhi.

Note – Form for Filing of Application in pending matter shall be submitted through email
at: principalbench.mentioning@nclat.gov.in

FOR THE USE OF COURT / REGISTRY

Order / Objections / Remarks:

FORM - B

ITEM NO. _____ (to be filled up by the Court Officer only)

**IN THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.**

FORM FOR URGENT (MENTIONING) CASES FOR LISTING / ACCOMMODATION

CASE TYPE _____

E-FILING / APPEAL / APPLICATION NUMBER _____

_____ Appellant (s) / Applicant (s)

VERSUS

_____ Respondent (s)

**GROUND(S) FOR URGENCY/ACCOMMODATION AND THE NATURE OF RELIEF
SOUGHT (IN BRIEF):**

.....
.....

AS PER ROSTER, TO BE LISTED BEFORE:
{ COURT NO. & THE NAME(S) OF HON’BLE MEMBER (S) }

Adjudicating authority:

- 1. Name of the adjudicating authority : _____
- 2. Against the Order dated : _____
- 3. Passed by : _____
- 4. In Case No. : _____
- 5. Whether all the parties have been informed? : Yes / No

Signature _____

Name of the Counsel _____

Enrolment No. _____

Email ID _____

Mobile No. _____

Advocate for the Appellant / Respondent

Date: _____

Place: New Delhi.

Note: Form for Urgent (Mentioning) cases for Listing / Accommodation must be submitted one day in advance latest by 3.00 P.M. through email at: principalbench.mentioning@nclat.gov.in

FOR THE USE OF COURT / REGISTRY

Order / Objections / Remarks:

FORM-C

IN THE NCLAT, PRINCIPAL BENCH AT NEW DELHI
APPLICATION FOR ADJOURNMENT

To,
The Court Officer,
NCLAT Principal Bench,
New Delhi.

Sir/Madam,

Kindly postpone the hearing of the case/s particulars whereof are given below: -

1. Case No.:
2. Is it admission or after notice Misc./Matter:
3. Name of the appellant/applicant:
4. Name of the respondent/non-applicant:
5. Names of the advocates for all the parties in proper sequence with their 'No Objection' in token of consent for adjournment:
6. Name of the Court with date which dealt with the matter on the last hearing:
7. Next date of hearing:
8. No. of adjournments already taken:
9. Is there any interim stay in the matter?
10. Date on which the matter is sought to be postponed:
11. Reason for seeking Adjournment:

Signature _____

Name of the Counsel _____

Enrolment No. _____

Email ID _____

Mobile No. _____

Advocate for the Appellant / Respondent

Email ID of opposite Counsel _____

Date: _____

Place: New Delhi.

Note – Adjournment slips shall be submitted one day in advance latest by 3.00 P.M. through email at: principalbench.mentioning@nclat.gov.in

For the use of Court / Registry

Order / Objections / Remarks:

Item No. _____ (To be filled up by the Court Officer)

IN THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH NEW DELHI

APPLICATION FOR EXTENSION OF TIME FOR FILING REPLY/ REJOINDER/
PROCESS FEE/ DOCUMENTS/ ADDITIONAL DOCUMENTS ETC.

CASE TYPE _____

E-FILING NUMBER _____

APPEAL/ APPLICATION NUMBER _____

_____ Appellant(s) / Applicants(s)

VERSUS

_____ Respondent(s)

Sir,

There is delay of _____ days in filing of reply/ rejoinder/ process fee/ documents/
additional documents etc. in terms of order dated _____.

It is humbly requested that the delay may be condoned and reply/ rejoinder/ process
fee/ documents/ additional documents etc. may allowed to be taken on record.

Signature _____

Name of the Counsel _____

Enrolment No. _____

Email ID _____

Mobile No. _____

Advocate for the Appellant / Respondent

Date : _____

Place: New Delhi

Note – Application for extension of time shall be submitted through email at:
principalbench.mentioning@nclat.gov.in

FOR THE USE OF COURT / REGISTRY

Order / Objections / Remarks: