NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

I. A. No. 558 of 2017 in
Company Appeal (AT) No. 268 of 2017

IN THE MATTER OF:

Ashok Mittal & Anr.   ...Appellants

Vs

Uniworth Resorts Limited & Ors.   ....Respondents

Present:

For Appellants:	Shri Jayant K. Mehta, Shri Saurabh Kalia, Ms. Shuchi Sejwar, Shri Rudreshwar Singh, Shri Rahul Kukreja, Advocates.
For Respondents:	Shri Prachi Gupta, Advocate for Respondent No.1 and 6. Shri Narendera N. Sharma and Shri Abhishek Sharma, Advocates for Respondent No. 5 and 7.

O R D E R

(1.11.2017)

Heard the counsel of both the sides. Learned counsel for the applicants/ appellants submits that in this matter the impugned order was passed on 5th May, 2017. The counsel for the respondent submits that the same was uploaded on the website of NCLT around 19th May, 2017 and the moment they come to know, the application for certified copy was filed on 19th May, 2017 as can be seen from the certified copy itself, and the copy was prepared and issued on 23rd June, 2017 and if time is calculated from 23rd June, 2016, 45 days will be over on 7th August, 2017. It is stated that on 7th August, 2017 a holiday was declared on account of Raksha Bandhan vide office order No. F.No.10/76/2017-Estt./NCLAT dated 1st August, 2017 and the present appeal was filed on 8th August, 2017. According to him there was no delay in filing the Appeal.

Learned counsel for the respondent submits this time has to be calculated from 5th May, 2017. The counsel says that as the Respondent no. 7 was not there, he cannot say if the order was pronounced in the open court or passed in the chambers.

Even if the time has to be calculated from 5th May, 2017, it would be within the period of 45 days which this tribunal can condone.

If the matter is considered, looking to the same, it is in interest of justice to condone the delay. We condone the delay. The appeal will be taken up for consideration. The application stands disposed off.

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(Justice A.I.S. Cheema)
Member (Judicial)

(Balvinder Singh)
Member (Technical)

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am/nn