

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) No. 339 of 2018

IN THE MATTER OF:

Warana-Agro Pvt. Ltd. & Anr.

...Appellants

Versus

Sadashiv Shankar Patil & Ors.

...Respondents

Present:

For Appellants: Mr. Prashant S. Kenjale and Mr. Nishant, Advocates

O R D E R

03.10.2018 This appeal has been preferred by the appellant against the order passed by the National Company Law Tribunal, Mumbai Bench, Mumbai in an application filed under Section 397 and 398 of the Companies Act, 1956 (Section 251 and 252 of the Companies Act, 2013). Learned counsel for the appellant sought permission to make necessary corrections in the paper book and making the appeal under Section 421 of the Companies Act, 2013. Prayer is allowed. He is allowed to make necessary corrections in the paper book and cover page. Office is directed to provide with Company Appeal (AT) number under the provisions of the Companies Act.

2. This appeal has been preferred by the appellant (respondent) against the order dated 22nd December, 2017 with a petition for condonation of delay. From the impugned order, we find that the certified copy of the impugned order has been served on the appellant on 31st January, 2018 but in spite of this fact the appellant has filed the appeal on 29th August, 2018. As per sub-section (3) of Section 421 of the Companies Act, 2013 the appeal has to be filed within forty-five days from the date of receipt of the order on showing sufficient cause and

grounds. The Appellate Tribunal has jurisdiction to condone the delay but not exceeding forty-five days.

3. In the present appeal we find there is a delay of 244 days and the Appellate Tribunal having no jurisdiction to condone such period, the prayer for condonation of delay is rejected.

4. At this stage, learned counsel for the appellant submits that in Consumer Protection Act matter has been referred by the Hon'ble Supreme Court to larger Bench but in view of the specific provision, we cannot allow the application for condonation of delay. I.A. No. 1570 of 2018 is rejected being barred by limitation.

5. The appeal is accordingly dismissed being barred by limitation. No cost

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

/ns/gc/