

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

M.A. No.219/2018
Un-numbered Company Appeal (AT) No. ___/2018
(F.No.26/11/2018/NCLAT/UR/1080

In the matter of:

M/s. Shri Madan Lal Food
Products Pvt. Ltd. Appellant

Versus

Union of India
Through Ministry of Corporate Affairs & Anr. Respondents

Appearance: Mr. Ketan Madan, Advocate for the Appellant.

11.12.2018

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 26.11.2018 and the Office after scrutiny of the Memo of Appeal on 27.11.2018 intimated the defects on the same day and the Memo of Appeal was returned to the Appellant on 28.11.2018. The Appellant re-filed the Memo of Appeal on 06.12.2018. The learned Counsel was of the opinion that period of seven days for filing an appeal would end on 05.12.2018 and Rule 26 sub rule (2) of NCLAT clearly states that the period of seven days shall commence from the date when the documents were returned i.e. 28.11.2018 and rule 3 of NCLAT also states that while computing the time the day from which the said period is to be reckoned is to be excluded which means that 28.11.2018 shall be excluded while computing the said time period of seven days and, hence, there is a delay of two days in re-filing the Memo of Appeal.

3. Heard the learned Counsel appearing for the Appellant, perused the averments made in the Miscellaneous Application as well as Office report.

4. Considering the submissions made on behalf of the Appellant and for the reasons mentioned in the Miscellaneous Application, the delay in re-filing the Memo of Appeal is hereby condoned.

5. List the case before the Hon'ble Bench under the heading for admission on 13.12.2018.

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

(Peeush Pandey)
Registrar