

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

M.A. No.142/2018
Un-numbered Company Appeal (AT) (Insolvency) No. ___/2018
(F.No.03/07/2018/NCLAT/UR/566)

In the matter of:

Earth Infrastructures Ltd. Appellant

Versus

Deepak Khanna Respondent

Appearance: Mr. Joel, Advocate for the Appellant.

25.09.2018

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

3. As per report of the Office, there is delay of 25 days in re-filing the Memo of Appeal and apart from that, the Appellant has also not cured defect No.7, which is in respect of Company's stamp missing on Board Resolution.

4. Learned Lawyer appearing for the Appellant submitted that all the defects are cured except defect No.7, which relates to the Company's stamp on Board Resolution. So far this defect is concerned, learned Counsel submitted that since the Appellant is in Jail custody and the landlord has taken over the premises in which the registered office of the Company was situated, that's why at the moment the Appellant is not in a position to produce the Company's

stamp. He further submitted that there is delay of 24 days in re-filing the Memo of Appeal, so, same may be condoned.

5. Considering the submissions of the learned Counsel and for the reasons mentioned in the Miscellaneous Application, I think, it proper to condone the delay in re-filing the Memo of Appeal. Accordingly, the delay in re-filing the Memo of Appeal is hereby condoned.

6. So far defect No.7 is concerned, let the case be listed before the Hon'ble Bench under the heading for admission with defect on 27.09.2018.

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