

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

M.A. No.183/2018

Un-numbered Company Appeal (AT) (Insolvency) No. ___/2018
(F.No.05/09/2018/NCLAT/UR/821

In the matter of:

M/s Auto Décor Pvt. Ltd. Appellant

Versus

M/s APPL Industries Ltd. Respondent

Appearance: Shri Shantanu Parashar, Advocate for the Appellant.

05.10.2018

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 Memo of Appeal was filed on 05.09.2018 and the Office after scrutiny pointed out some defects, but same was never been communicated to the Appellant. The Appellant came to know about the defects when they checked the status of Appeal on 20.09.2018 and it has come to his notice that the defects were intimated vide letter dated 07.09.2018. Further, the Memo of Appeal was returned to the Appellant on 03.10.2018 and the on the same day, the Memo of Appeal was re-filed, hence, there is delay of 19 days in re-filing the Memo of Appeal, so, same may be condoned.

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

4. Learned Counsel appearing for the Appellant submitted that although the Office pointed out the defects on 07.09.2018, but the

same was not communicated to the Appellant on telephone and when the Appellant verified, then they came to know about the defects pointed out by the Office on 07.09.2018. Thereafter, learned Counsel for the Appellant received the Memo of Appeal and after removing the defects, it was re-filed and, so, there is a delay of 19 days in re-filing the Memo of Appeal, so, same may be condoned.

5. 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.

6. Let the case be listed before the Hon'ble Bench under the heading for admission on 08.10.2018.

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