

**THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL**  
**NEW DELHI**

**M.A. No.182/2018**

**Un-numbered Company Appeal (AT) (Insolvency) No. \_\_\_/2018**  
**(F.No.05/09/2018/NCLAT/UR/816**

**In the matter of:**

M/s. Excello Fin Lea Ltd. .... Appellant

Versus

Sumit Binani & Anr. .... Respondents

Appearance: Shri Akshay Gupta, Advocate for the Appellant.

**03.10.2018**

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 Appellant filed this Memo of Appeal on 05.09.2018 and the Office after scrutiny on 07.09.2018 intimated the defects to the Appellant on 10.09.2018 and the Memo of Appeal was returned to the Appellant on 18.09.2018, whereas, it was re-filed on 01.10.2018. As per report of the Officer, there is a delay of 14 days in re-filing the Memo of Appeal. Further, the grounds for delay in re-filing the Memo of Appeal as mentioned in the Miscellaneous Application is that the original set of the Appeal has been inadvertently left at the Delhi High Court and despite best efforts it took the Appellant considerable time to trace the same, so, delay in re-filing the Memo of Appeal 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 since the file was misplaced in the Delhi High Court, therefore, the Appeal could not be re-filed within time, so, delay in re-filing the Memo of Appeal 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 04.10.2018.

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