M.A. No.178/2018
Un-numbered Company Appeal (AT) (Insolvency) No.___/2018
(F.No.29/08/2018/NCLAT/UR/800

In the matter of:

Warana-Agro Pvt. Ltd. & Anr.   …. Appellants

         Versus

Sadashiv Shankar Patil & Ors.   …. Respondents

Appearance: Shri Prashant S. Kenjale, Advocate for the
               Appellants

27.09.2018

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.   The facts mentioned in the Miscellaneous Application in short is that the Appellants filed this Memo of Appeal on 29.08.2018 and the Office after scrutiny intimated the defects on 31.08.2018 and the Memo of Appeal was returned to the Appellants on 05.09.2018. Further, since, the Applicant himself appeared and argued the case before the NCLT and, so, he was unaware of the provisions of the NCLAT Rules. Further, there are so many defects pointed out by the Office and, so, in order to cure the defects, the Appellants took more time, as prescribed under the Rules, hence, delay in re-filing the Memo of Appeal is bona-fide, therefore, same may be condoned.

3.   Heard 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 he has already mentioned the reasons for not filing the Memo of

Appeal in time at page-3 of the Miscellaneous Application, 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 03.10.2018.

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

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(Abni Ranjan Kumar Sinha)
Registrar

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Dictated and corrected by me.

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(Abni Ranjan Kumar Sinha)
Registrar

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