

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI
M.A. No.167/2018
In
Un-numbered Company Appeal (AT) No. ___/2018
(F.No.03/08/2018/NCLAT/UR/689)

IN THE MATTER OF:

Shobhnath & Ors.

...Appellants

Vs

Prism Industrial Complex Ltd.

....Respondent

Present: Mr. Ashok Kriplani, Advocate for the Appellant.

17.09.2018

This is an application (no provision of law mentioned) to extend the time granted for compliance given under sub-rule (2) to rule 26 of the NCLAT Rules, 2016 (hereinafter referred to as the Rules).

2. As mentioned in the Miscellaneous Application under short is that the Appellant filed this Memo of Appeal on 03.08.2018 and after scrutiny, the Office intimated the defects on 06.08.2018 and on the same day, the Memo of Appeal was returned to the Appellant but it could not be filed within the period prescribed under the Rules. Further, the reason for not re-filing the Memo of Appeal within time given under the Rule is that counsel for the Appellant has got his chamber white washed and shifted the case files to another Office and during the transit, the file was misplaced with the result, same could not be re-filed within time. It is filed only when it was found and in doing so there is a delay of 31 days, so, the same may be condoned.

3. Heard learned lawyer appearing for the Appellant, perused the averments made in the Miscellaneous Applications as well as the Report of the Office. Learned lawyer of the Appellant further submitted that as per the defects pointed out by the Office, the Appellant was directed to obtain the signatures of all the persons, who executed the power of attorney in favour of authorised person and since the persons are residing in different places, so, in order to cure those defects, Appellant took more time i.e. 31 days.

4. He further submitted that apart from that the chamber of the counsel was also got white washed and during the shifting of the files, this file is misplaced and the delay took place in re-filing Memo of Appeal.

5. Considering the submissions and for the reasons mentioned in the Miscellaneous Application, in my opinion, delay is liable to be condoned. Accordingly, I hereby condone the delay in re-filing the Appeal.

6. As prayed by the Learned Counsel, let the case be listed for admission before the Hon'ble Tribunal on 20.09.2018.

(Abni Ranjan Kumar Sinha)
Registrar

Dictated and corrected by me.

(Abni Ranjan Kumar Sinha)
Registrar