## THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL NEW DELHI

## M.A. No.214/2018 <u>Un-numbered Company Appeal (AT) No.\_\_/2018</u> <u>(F.No.29/10/2018/NCLAT/UR/1023</u>

## In the matter of:

Shri Parvesh Kumar Jain .... Appellant

Versus

Shri Brijesh Uppal .... Respondent

Appearance: Mr. Nitin Mittal, Advocate for the Appellant.

## 07.12.2018

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 the Memo of Appeal on 29.10.2018 and the Office after scrutiny of the Memo of Appeal on 30.10.2018 intimated the defects on the same day and the Memo of Appeal was returned to the Appellant on 02.11.2018. The Appellant re-filed the Memo of Appeal on 26.11.2018. The Appellant submitted that the matter got delayed as Diwali vacations had commenced w.e.f. 07.11.2018 and continued till 11.11.2018 and when after removing the defects the Counsel for the Appellant visited the Registry on 12.11.2018, the Registry pointed out couple of more defects. It is submitted further that again when after removing the defects along with an application for condonation of delay the Counsel for the Appellant approached the Registry, the Registry pointed out that the application is required to be signed by the party/client and as the party/client had gone on a business trip from 14.11.2018 to 18.11.2018 due to which the Counsel could not file the application in time and hence, there is a

delay of 20 days in re-filing the Memo of Appeal, so, the same may be condoned.

- 3. Heard the learned Counsel appearing for the Appellant, perused the averments made in the Miscellaneous Application as well as Office report.
- 4. 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.
- 5. As prayed by learned Counsel, put up the case before the Hon'ble Bench under the heading for admission on 11.12.2018.
- 6. With the aforesaid order, this Miscellaneous Application stands disposed of.

(Peeush Pandey) Registrar