

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

M.A. No.193/2018
Un-numbered Company Appeal (AT) No. ___/2018
(F.No.08/10/2018/NCLAT/UR/896

In the matter of:

Aman Kumar Jain & Anr. Appellants

Versus

Registrar of Companies,
NCT of Delhi and Haryana & Anr. Respondents

Appearance: Shri Gursat Singh Vachher, Advocates for the
Appellants.

30.10.2018

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 24.09.2018 and on 25.09.2018 Office after scrutiny of the Memo of Appeal intimated the defects on the same day and the file was handed over to the Counsel on 27.09.2018 and the Appellants after removing the defects re-filed it on 22.10.2018, so, there is delay of 20 days. The grounds taken by the Appellants for not re-filing the Memo of Appeal within the time is that when the Appellants re-filed the Memo of Appeal then he was informed by the Office that there is delay in re-filing the Memo of Appeal and thereafter, the Appellants filed the Miscellaneous Application stating that the delay is on the part of the Counsel as well as Advocate's Clerk, which is beyond the control, so, same may be condoned.

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

4. Learned Lawyer appearing for the Appellants submitted that Office has pointed out so many defects, so, in order to remove all these defects, there is a delay of 20 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. As prayed, list the case before the Hon'ble Bench under the heading for admission on 05.11.2018.

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