

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

**M.A. No.107/2018**

**Un-numbered Company Appeal (AT) (Insolvency) No. /2018**  
**(F.No.28/04/2018/NCLAT/UR/333)**

**In the matter of:**

Renaissance Steel India Pvt. Ltd. .... Applicant/Appellant

Versus

Electrosteel Steels Ltd. & Ors. .... Respondents

Appearance: Ms. Srishti Kapoor, Advocate for the Applicant.

**17.05.2018**

This is an application file under sub rule (2) to Rule 26 of the NCLAT Rules, 2016 (hereinafter referred to as the Rules) to extend the time for compliance.

2. The allegation in the application is that when the defects were cured and the appeal presented on 10.05.2018, the Registry refused to accept the same as the time was beyond 5 P.M. The delay is alleged to be neither intentional nor deliberate. Hence the prayer is to extend the time for compliance by one day.

3. The points that arise for consideration are: -

i) Is the time given for complying the direction to cure the defects liable to be extended under sub-rule (3) to rule 26 of the Rules?

ii) Reliefs.

4. **Point No. (i):** - Heard the learned Counsel for the Applicant.

The aforesaid Appeal under Section 61 of the I&B Code, 2016 (hereinafter referred to as the Code) is against the order dated 17.04.2018 in CP(IB) No.361/KB/2017 and CA(IB) Nos. 277,271,281,173 and 35/KB/2018 of the Hon'ble NCLT, Kolkata Bench.

5. The aforesaid appeal is seen presented before the Registry on 28.04.2018. The appeal when scrutinised on 03.05.2018 was found to be defective and so on the same day the Applicant was informed of the defects with a direction to cure them within a period of seven days. The period of seven days' expired on 10.05.2018. However, the appeal was presented after curing the defects on 11.05.2018. According to the Section there is a delay of one day and hence the matter has been put up before me under sub-rule (2) to rule 26 of the Rules for appropriate orders.

6. Sub-section (2) to section 61 of the Code says that every appeal under sub-section (1) shall be filed within 30 days before the Appellate Tribunal. The copy of the impugned order dated 17.04.2018 produced is a paid copy which is seen issued on 26.04.2018. Therefore, the office has rightly computed the period of limitation from 18.04.2018 and when so computed, the period of 30 days after excluding 1 day taken for obtaining the certified copy, expires on 18.05.2018. The initial presentation of the appeal on 28.04.2018 and the subsequent presentation after curing the defects on 11.05.2018 are apparently within the period of 30 days for filing the appeal.

7. Therefore, exercising the power under sub-rule (3) to rule 26, the time granted for compliance under sub-rule (2) to rule 26 is extended. Point answered accordingly.

8. **Point No.(ii):** - M.A. No.107/2018 allowed.

List the matter before the Hon'ble Appellate Tribunal on 18.05.2018.

(C.S. Sudha)  
Registrar