

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

M.A. No.195/2018

Un-numbered Company Appeal (AT) (Insolvency) No. ___/2018
(F.No.10/10/2018/NCLAT/UR/946

In the matter of:

M/s. Hemang Resources Ltd. Appellant

Versus

M/s. SSP Sponge Iron Pvt. Ltd. Respondent

Appearance: Ms. Santhanan Lakshmi, Advocate for Ms. Heena George, Advocate for the Appellant.

26.10.2018

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 10.10.2018 and on 11.10.2018, Office after scrutiny of the Memo of Appeal intimated the defects, on the same day and the Memo of Appeal was returned to the Counsel on 12.10.2018, but it could not be re-filed within the stipulated period, rather, it was re-filed on 24.10.2018, so, there is delay of six days in re-filing the Memo of Appeal. The grounds taken for not re-filing the Memo of Appeal in time is that there was personal difficulty of the Counsel because he was not available during the Durga Puja holidays, hence, there is a delay, so, same may be condoned.

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

4. Learned Lawyer appearing for the Appellant submitted that there is delay of six days only and the reason for delay is that the Counsel was engaged in Durga Puja, so, Memo of Appeal could not be re-filed within the prescribed period, 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. Let the case be listed before the Hon'ble Bench under the heading for admission on 29.10.2018.

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