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THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

M.A. No.196/2018
Un-numbered Company Appeal (AT) (Insolvency) No.___/2018
(F.No.12/10/2018/NCLAT/UR/962

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In the matter of:

Nizamiya Construction Pvt. Ltd.   .... Appellant

     Versus

Thyssenkrupp Industries India Pvt. Ltd.   .... Respondent

Appearance: Shri Rajiv Kumar, Advocate for the Appellant.

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01.11.2018

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

3.   Learned Lawyer appearing for the Appellant submitted that the Appellant filed the Memo of Appeal on 12.10.2018 and as per the report of Office, Office after scrutiny on 22.10.2018, intimated the defects on the same day, but the Memo of Appeal was returned to the Appellant on 23.10.2018. He further submitted that, in fact, he received the call from the Registry regarding the defects pointed out by the Office on 23.10.2018 and not on 22.10.2018 as reported by the Office. He further submitted that he has removed all the defects except defect No.7, which relates to the Annexures. He further submitted that he had been asked by the Registry to file typed copy of the illegible pages, which took time, hence, there is delay of one day in re-filing the Memo of Appeal, so, same may be condoned.

4.   Considering the submissions made on behalf of the Appellant and for the reasons mentioned in the Miscellaneous Application, I think, it proper to condone the delay in re-filing the Memo of Appeal. Accordingly, 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 05.11.2018.

6.   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