

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

M.A. No.215/2018

Un-numbered Company Appeal (AT) (Insolvency) No. ___/2018
(F.No.23/10/2018/NCLAT/UR/985

In the matter of:

Jungheinrich Lift Truck India Pvt. Ltd. Appellant

Versus

United Cold Chain and Food
Processing Ltd. Respondent

Appearance: Mr. Abhishek Aggarwal, 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 23.10.2018 and the Office after scrutiny of the Memo of Appeal on 26.10.2018 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 due to paucity of time, considering the corrections and rectifications to be made and considering that the Appellant has a place of business in Mumbai, which caused the delay and hence, seek extension of time for 24 days.

3. Apart from that, the Registry has pointed out that defect No.9 has also not been cured by the Appellant. Defect No.9 is that Appeal is barred by limitation and hence, an application for condonation of delay is required to be filed by the Appellant.

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

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. So far as defect No.9 is concerned, learned Counsel during the course of arguments stated that they will file the application for condonation of delay. If the Appellant files the application for condonation of delay before the next date, Registry may prepare a note accordingly.

7. As prayed by learned Counsel, put up the case before the Hon'ble Bench under the heading for admission with defect on 11.12.2018.

8. With the aforesaid order, this Miscellaneous Application stands disposed of.

(Peeush Pandey)
Registrar