

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

M.A. No.127/2018

Un-numbered Company Appeal (AT)) (Insolvency) No. ___/2018
(F.No.04/07/2018/NCLAT/UR/571

In the matter of:

ICICI Bank Ltd. Appellant

Versus

The Interim Resolution Professional
For Ruchi Soya Industries Ltd. Respondent

Appearance: Mr. Shantunu Chaturvedi, Advocate for the
Appellant

19.07.2018

This is an application (no provision of law mentioned) to extend the time granted for compliance given under sub-rule (2) to rule 26 of the NCLAT Rules, 2016 (hereinafter referred to as the Rules).

2. The facts mentioned in the Miscellaneous Application are that the Appellant filed the Memo of Appeal on 04.07.2018 and the Office after scrutiny of Memo of Appeal pointed out the defects and informed the Appellant on 06.07.2018, but the Appellant, could not collect the Memo of Appeal immediately, rather, same was returned to him on 09.07.2018. Further, one of the defect pointed out by the Office was that the original Power of Attorney was not filed by the Appellant and in order to remove that defect, the conducting lawyer informed the authorised signatory and in doing so there is delay of three days and so the same may be condoned.

3. Heard learned lawyer appearing for the Appellant and perused the Office report as well as the averments made in the Miscellaneous Application. Learned lawyer appearing for the Appellant submitted that since one of the defect pointed out by the Registry was regarding the original Power of Attorney and the Appellant tried to obtain the original Power of Attorney from the authorised signatory, which

caused some delay. He further submitted that in fact there is delay of one day because on 14th and 15th July, 2018, the Office was closed and on the opening day, i.e., on 16th July, 2017, he filed the application.

4. Now the point for consideration is:

- i) Whether the Appellant has explained the reasons for delay in filing the Memo of Appeal?
- ii) Whether the Appellants are entitled to get any other relief?

5. Considering the averments and the submissions made 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.

6. The Point No.1 is answered accordingly. So far as the Point No.2 is concerned, the Appellant is not entitled for any other relief.

7. With the aforesaid order, this Miscellaneous stands disposed of.

8. As prayed by learned lawyer, put up the case on 24.07.2018 before the Hon'ble Bench for admission.

(Abni Ranjan Kumar Sinha)
Registrar

Dictated and corrected by me.

(Abni Ranjan Kumar Sinha)
Registrar