

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

M.A. No.130/2018
Un-numbered Company Appeal (AT) (Insolvency) No. ___/2018
(F.No.03/07/2018/NCLAT/UR/567)

In the matter of:

Central Bank of India Appellant

Versus

Anuj Jain
Resolution Professional for Jaypee
Infratech Ltd. & Ors. Respondents

Appearance: Mr. Jaswinder Singh, Advocate for the Appellant

24.07.2018

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 in short are that the Appellant filed this Memo of Appeal on 03.07.2018 and after scrutiny, the Office pointed out the defects and returned the Memo of Appeal to the Appellant on 05.07.2018, whereas it was re-presented on 20.07.2018. Further, the grounds taken by the Appellant for not re-filing the Appeal within time is that since the objections were lengthy and involved considerable time for their removal and it was also required to obtain the original power of attorney and in doing so, there is delay of 08 days in re-filing the Appeal, so same may be condoned.

3. Heard learned lawyer appearing for the Appellant, perused the Office note as well as the averments made in the Miscellaneous Application. Learned lawyer appearing for the Appellant submitted

that the Appellant filed Memo of Appeal on 03.07.2018 and the Office intimated the defects on 05.07.2018 and on the same day, the Memo of Appeal was returned to him. He further submitted that the objections raised by the Office were lengthy and one of the objection was regarding the original power of attorney and since the original power of attorney was not available and in order to get the same there is a delay of about seven days in re-filing the Appeal, so same may be condoned.

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 made on behalf of the Appellant and report of the Office, I find, the Office pointed out that there is delay of only five days in re-filing the Memo of Appeal. The Memo of Appeal was returned to the Appellant on 05.07.2018, whereas, it was re-filed on 20.07.2018 and the Office has pointed out that there is delay of only five days, which is not correct. Therefore, call for explanation from the concerned dealing hand, how he has calculated the delay in re-filing the Memo of Appeal. As per the contention of the learned lawyer, there is delay of 07 days, which seems to be correct. Considering the grounds 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.

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 Application stands disposed of.

8. Learned lawyer submitted that related case is ordered to be listed on 2nd August, 2018 and so, this case may also be listed on

that day along with the other case. On his request, put up the case before the Hon'ble Bench on 2nd August, 2018 for admission.

(Abni Ranjan Kumar Sinha)
Registrar

Dictated and corrected by me.

(Abni Ranjan Kumar Sinha)
Registrar