

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

M.A. No.192/2018
Un-numbered Company Appeal (AT) No. ___/2018
(F.No.18/09/2018/NCLAT/UR/879

In the matter of:

O. Arumugasamy Appellant

Versus

M/s. T.R. Mills Pvt. Ltd. & Ors. Respondents

Appearance: Shri Sarath S. Janardanan, 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 18.09.2018 and on 19.09.2018, Office after scrutiny of the Memo of Appeal intimated the defects, on the same day and the Memo of Appeal was received by the Appellant on 27.09.2018, so, there is delay of 26 days in re-filing the Memo of Appeal. The grounds taken for not re-filing the Memo of Appeal in time is that since the Counsel had to take instructions from his client for rectifying the defects, so, in doing so there is delay of 26 days, so, same may be condoned.

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

4. Learned Lawyer appearing for the Appellant submitted that since the client is residing at Coimbatore and for removing the defects the Counsel had to seek instructions and in doing so there is delay of 26 days, 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. Learned Lawyer appearing for the Appellant submitted that the connecting matter has already been listed on 01.11.2018, so this case may also be listed on the same day.
7. On the request of the Counsel, list the case before the Hon'ble Bench under the heading for admission on 01.11.2018.
8. 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