

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

M.A. No.156/2018

Un-numbered Company Appeal (AT) No. ___/2018
(F.No.09/07/2018/NCLAT/UR/590

In the matter of:

Gaurav Jain Appellant
Versus
Registrar of Companies & Ors. Respondents

Appearance: Shri Rajendra Jain, Advocate for the Appellant.

18.09.2018

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 this Memo of Appeal on 09.07.2018 and the Office after scrutiny of the Memo of Appeal intimated the defects to the Appellant and the Memo of Appeal was returned to the Appellant on 20.07.2018 and the Appellant re-filed the Memo of Appeal on 30.07.2018. Further, after filing the Memo of Appeal, Counsel of the Appellant went to Jaipur and he was busy in family functions and, therefore, he could not come to Delhi and so there is delay of 13 days in re-filing the Memo of Appeal, so, same may be condoned.

3. Apart from that, the Appellant has not cured the defects as pointed out by the Office.

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

5. Learned Lawyer appearing for the Appellant submitted that he is not required to file the petition for condonation of delay because according to him, the order was not communicated to him, therefore,

there is no limitation. He further submitted that he has filed the amendment petition. He further submitted that there is a delay of 13 days in re-filing the Memo of Appeal, so, same may be condoned.

6. 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 Appellant is entitled to get any other relief?

7. Considering the submissions made on behalf of the learned Counsel appearing for 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.

8. 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.

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

10. So far the question regarding the limitation as well as amendment petition filed by the Appellant is concerned, it is the matter which is required to be considered by the Hon'ble Bench, therefore, list the matter before the Hon'ble Bench with a note that the Appellant has not filed the limitation petition as pointed out by the Office and the amendment petition is also available on record for hearing.

11. As prayed by learned Counsel, list the matter before the Hon'ble Bench on 25.09.2018 for hearing.

(Abni Ranjan Kumar Sinha)
Registrar

Dictated and corrected by me.

(Abni Ranjan Kumar Sinha)
Registrar