

**THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL**  
**NEW DELHI**

**M.A. No.113/2018**

**In**

**Un-numbered Company Appeal (AT) No. \_\_\_/2018**

**(F.No.19/05/2018/NCLAT/UR/401)**

**In the matter of:**

Mr. Amrendra Kumar & Anr.

.... Applicants/Appellants

^  
Versus

Stud and Exper Consulting  
India Ltd. & Ors.

.... Respondents

Appearance: Shri Aditya Nayyar, Advocate for the Appellants.

**31.05.2018**

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 grounds taken for condonation of delay in re-filing the Memo of Appeal is that on 19.05.2018 the Appellants filed the Appeal and the Office pointed out the defects, which were communicated to the Appellants on 21.05.2018 and after removing the objections pointed out by the Office, the Appellants again visited the Office of Tribunal for re-filing the Appeal on 28.05.2018, then it was again pointed out that the Appeal was not filed in the prescribed format as per NCLAT Rules and so, it could not be accepted by the Registry on that day. Again the Appellants removed that defect and in doing so there is a delay of three days only and so, they prayed to condone the delay in filing the Appeal.

3. Learned counsel appearing for the Appellants raised all the facts mentioned in the Miscellaneous Application and he further submitted that after removing the

defects he approached the Office to re-file the Memo of Appeal then he was advised by the Office that his application is not in terms of the new rules. So again the Appellants were advised to re-draft the Memo of Appeal and in doing so, there is delay of three days and that the delay was not intentional and so same may be condoned. He further submitted that the Memo of Appeal was presented within time.

4. Considering the averments made on behalf of the learned Counsel for the Appellants and on perusal of the averments made in the Miscellaneous Application and Office note, I find, as per the Office note, the limitation in filing the Appeal was going to be expired on 30.05.2018 and the Appeal was presented on 19.05.2018, therefore, as per the Office note, the Memo of Appeal was presented within the time prescribed under Section 421 of the Companies Act, 2013 (hereinafter referred to as the Act).

5. Now the point for consideration is:

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

6. I have already mentioned the grounds referred in the Miscellaneous Application for condoning the delay in re-filing the Memo of Appeal in the aforementioned para and on the basis of the averments made on behalf of learned Counsel for the Appellants, I of the considered view that the reasons explained by the Appellants for not filing the Appeal after removing the defects within the time prescribed under the Rules, i.e., within seven days, appears to be cogent, and so, in my opinion, it is liable to be condoned. Accordingly, I hereby condone the delay in re-filing the Appeal.

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

8. With the aforesaid order, the application for condoning the delay stands disposed of.

List the case for admission before the Hon'ble Appellate Tribunal on 04.06.2018.

(Abni Ranjan Kumar Sinha)  
Registrar

Dictated and corrected by me.

(Abni Ranjan Kumar Sinha)  
Registrar