

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

M.A. No.115/2018

In

Un-numbered Company Appeal (AT) No. ___/2018

(F.No.01/05/2018/NCLAT/UR/339)

In the matter of:

Mr. T.O. Abraham Applicant/Appellant

Versus

Cavunal Rubber Estates (P) Ltd. & Ors. Respondents

Appearance: Shri Kunal Singh, Advocate for the Appellant.

12.07.2018

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. Heard the learned lawyer appearing for the Appellant. He submitted that the defect pointed out by the Office was communicated to him on 04.05.2018, thereafter the Memo of Appeal was returned to him on 07.05.2018 and the Appellant's counsel after removing the defects handed over the file for re-filing to his clerk, but unfortunately, the concerned clerk went to his native village for the treatment of his ailing wife and the Appellant was under the impression that before moving to his native village the clerk had filed the Memo of Appeal, but when he came to know about the fact that the same has not been filed, then the same was re-filed on 30.05.2018 and in doing so, there is delay of 20 days and the same may be condoned.

3. Considering the submissions made by learned lawyer and perusing the Miscellaneous Application as well as the Office report, I find, the Appeal is also barred by limitation and for that a condonation petition has been filed. Apart from that, there is also delay in re-filing the Memo of Appeal, when the same was returned to the Appellant after pointing out the defects by the Office.

4. In the light of the submissions made by learned lawyer and the averments made in the Miscellaneous Application and the Office note, since it is delay of only 20 days, I think it proper to condone the delay. Accordingly, the delay in re-filing the Memo of Appeal is hereby condoned.

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

List the case before the Hon'ble Bench for hearing on the point of limitation and admission on 13.07.2018.

(Abni Ranjan Kumar Sinha)
Registrar

Dictated and corrected by me.

(Abni Ranjan Kumar Sinha)
Registrar