

IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI
PRINCIPAL BENCH

(CAA)-57(PB)/2018

IN THE MATTER OF:

Akai Consumer Electronics India Ltd. & Ors.Applicant/petitioner

Order under Section 230-232

Order delivered on 31.05.2018

Coram:

CHIEF JUSTICE (Retd.) M.M.KUMAR
Hon'ble President

S. K. MOHAPATRA
HON'BLE MEMBER (TECHNICAL)

For the Applicant/Petitioner : Mr. Rahul Malhotra, Rishi Kant Sharam, Adv.

ORDER

This is an application with a prayer for condoning delay of 5 months in filing second motion petition. Explanation for delay has been tendered in para 3-6. According to the averments made in the aforesaid paras a certified copy of the order dated 24.11.2017 was made available to the counsel for the petitioner company on the same day and learned counsel had drafted a second motion petition also he shared the same with the officials of the petitioner company. The comments from the petitioner's company were received in the last week of January, 2018. On account of inadvertence the counsel missed the email whereby the comments were forwarded. It has also been submitted that it could finalize the same only in March, 2018 on receipt of another email. The final draft was sent to the authorised representative of the petitioner



company with a request to sign the petition. Again all the pages or the petition were not signed. Learned counsel again conveyed the authorized representative of the petitioner company to do the needful and the petition could be filed only on 02.05.2018.

In Para 8, it has further been pointed out that by delay of five months, there is no change as far as status of shareholders and creditors is concerned. Therefore, time taken in filing second motion petition would not affect final approval which may be obtained from this Tribunal.

Keeping in view the aforesaid explanation, we condoned the delay of five months in filing second motion petition. Accordingly, the application is allowed and the same be disposed of.

CAA)-57(PB)/2018:-

Order reserved.

Sd/-

(M.M.KUMAR)

Sd/-

(S. K. MOHAPATRA,
MEMBER (TECHNICAL))