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**NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD**

IA No. 262/2017 In CA (CAA) No. 69/NCLT/AHM/2017


Coram:

**Present: Hon'ble Mr. BIKKI RAVEENDRA BABU
MEMBER JUDICIAL**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF AHMEDABAD BENCH
OF THE NATIONAL COMPANY LAW TRIBUNAL ON 20.09.2017**

Name of the Company: Sabar Engineering Pvt. Ltd.

Section of the Companies Act: Section 230-232 of the Companies Act, 2013

<u>S.NO.</u>	<u>NAME (CAPITAL LETTERS)</u>	<u>DESIGNATION</u>	<u>REPRESENTATION</u>	<u>SIGNATURE</u>
1.	NAVIN PAHWA WITH	SR-ADV.	PETITIONER	
2.	NATASHA SUTARIA FOR THAKKAR & PAHWA, ADVS.	ADV.		

ORDER

Learned Senior Advocate Mr. Navin Pahwa with Learned Advocate Ms. Natasha Sutaria present for Applicant in IA 262/2017.

Heard arguments of Learned Counsel for Applicant.

This application filed to condone the delay of 34 days in filing the chairman's report and to condone the delay of 7 days in filing the petition seeking sanction of arrangement in the nature of amalgamation of Sabar Export (I) Pvt. Ltd. with Sabar Engineering Pvt Ltd.


The application reads that chairman of the meetings has to file its report by 24.07.2017 but filed his report on 28.08.2017 with a delay of 34 days.

The application further reads that chairman of meetings filed his report on 28.08.2017. This petition was filed on 11.08.2017 with a delay of 7 days. The reason for delay according to applicant is "due to the fact that through inadvertence, though the chairman report was prepared on 20.07.2017, it could not be filed due to inadvertence. The applicant was under bonafide impression that the same is filed before this Hon'ble Tribunal, whereas in fact, it was not filed. At the time of preparation of the petition, it was revealed that the chairman report in fact is not filed".

The reason stated is a sufficient reason to condone the delay. This Tribunal is having inherent power under Rule 4(11) NCLT Rules to condone delay. The period

prescribed under Rule 15 of Amalgamation, Arrangement and Compromise Rules can be condoned. In view of sub rule 3 of rule 15 enables any creditor or member with leave of the Tribunal to present the petition to sanction of arrangement for which no period is provided. Therefore, this Tribunal is condoning delay of 34 days in filing chairman report and condoning the delay of 7 days in filing petition.

Applicant IA 262/2017 is disposed of accordingly.


BIKKI RAVEENDRA BABU
MEMBER JUDICIAL

Dated this the 20th day of September, 2017.