

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 23519 OF 2017

R.PRASANTH ... Appellant(s)

Versus

M/S. UBC ENGINEERS PRIVATE LIMITED AND ORS. ... Respondent(s)

O R D E R

The National Company Law Appellate Tribunal (NCLAT), by the impugned order dated 30.08.2017, has dismissed the appeal filed on the ground that the time period given by the Statute, which is 45 days + 45 days has since elapsed.

There is no doubt that the appeal was filed within time i.e. 02.06.2017, but with defects. The said defects were cured only on 01.08.2017 i.e. beyond the period of 90 days that have been granted. The NCLAT, therefore, dismissed the appeal before it, as being not maintainable.

In a recent judgment dated 04.12.2017 passed by this Court in P.Ram Bhoopal & Ors. Vs. Pragnya Riverbridge Developers Limited and Ors. (Civil Appeal No. 19486 of 2017), we had occasion to construe Rule 26.

Following the said judgment, we are of the view that once the defects are cured, the appeal must be held to be within time, if otherwise filed within time.

We, therefore allow the appeal, set-aside the judgment passed by the NCLAT. The NCLAT will now dispose of the said appeal on merits.

Pending applications, if any, shall stand disposed of.

.....J.
(ROHINTON FALI NARIMAN)

.....J.
(INDU MALHOTRA)

New Delhi,
Dated: 13th August, 2018.

ITEM NO.52

COURT NO.9

SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 23519/2017

R PRASANTH

Appellant(s)

VERSUS

M/S UBC ENGINEERS PRIVATE LIMITED & ORS.

Respondent(s)

Date : 13-08-2018 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MS. JUSTICE INDU MALHOTRA

For Appellant(s) Mr. Shaijan C.George, Adv.
Mr. James P. Thomas, AOR

For Respondent(s) Ms. Prachi Wazalwar, Adv.
Mr. Anandh k., Adv.
Mr. Senthil Jagadeesan, AOR

UPON hearing the counsel the Court made the following
O R D E R

The appeal is allowed in terms of the signed order.

Pending applications, if any, shall stand disposed of.

(SHASHI SAREEN)
AR CUM PS

(Signed order is placed on the file)

(SAROJ KUMARI GAUR)
BRANCH OFFICER