

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
PRINCIPAL BENCH

ITEM No. 302
(IB)-1767/MB/2017

IN THE MATTER OF:

Union Bank Applicant/petitioner
v.
Maharashtra Shetkari Sugar Respondent

Order under IBC

Order delivered on 15.06.2020

CORAM:

SH. B.S.V. PRAKASH KUMAR
HON'BLE ACTG. PRESIDENT

PRESENT:

For the Applicant: Mr. Amey Hadwale, &
Ms. Geeta Lundwani Advocate
For the Respondent: Mr. Anil Yadav, Advocate

ORDER

Heard and dictated in open court


IA-960/2020:-

It is an application filed before this Bench for condonation of delay/extension of time to file e-form RoC INC-28 for he failed to file it in time. It appears that as per Section 460 of the Companies Act, 2013, in case any document is required to be filed before RoC under any of the provisions of this Act, if is not filed within the time specified therein, the person seeking condonation for delay shall apply to the Central Government giving reasons for condonation of delay.

Further there being an explicit provision for condonation of delay with regard to the applications to be filed before RoC, this applicant shall approach the respective Competent Authority seeking condonation of delay for late filing, but not filing an application before this Bench citing Rule 15 read with Rule 153 under NCLT Rules, 2016. For this reason, this Bench cannot pass any order by looking at NCLT Rule, especially when an explicit section of law is set out in the Companies Act conferring this right upon some other Authority.

Therefore, by virtue of the logic as well as the law stated above, this application shall be filed before the respective Competent Authority, but not before this Bench.

Accordingly, the present application is dismissed as misconceived.


(B.S.V PRAKASH KUMAR)
ACTG. PRESIDENT