## THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL NEW DELHI

## I.A. No.1234/2019 Un-numbered Company Appeal (AT) (Insolvency) No. /2019 (F.No.26.04.2019/NCLAT/UR/396

## In the matter of:

Radha Mohan Khandelwal .... Appellant Versus Rajdhani Trading Company Pvt. Ltd. & Anr. .... Respondents

Appearance: Mr. Priyanshu Upadhyay, Advocate for the Appellant.

## 08.04.2019

This is an application to extend the time granted for curing the defects.

2. The facts of the case are that the Appellant filed the Memo of Appeal on 26.03.2019 and the Office after scrutiny of the Memo of Appeal on the same day, intimated the defects to the Appellant on 27.03.2019 and returned the Memo of Appeal to the Appellant on 29.03.2019. The Appellant re-filed the Memo of Appeal on 04.04.2019. It is stated in the Interlocutory Application (IA) that the Counsel for the Appellant was out of station due to which he collected the file on 29.03.2019 and that the Appellant is an old person suffering from serious health problems due to which in order to get his signatures for curing some of the defects the file was sent through a person to Jaipur and thereafter it was received back. Hence, there is a delay of one day, so, the same may be condoned.

3. Apart from that, the Registry has pointed out that defect No.11 has also not been cured by the Appellant. Defect No.11 is that the affidavit is defective and at page no.42 (page no. 45) para no.2 the word 'Appeal' is written instead of 'Application'.

4. Heard the learned Counsel appearing for the Appellant, perused the averments made in the IA as well as Office report.

5. Considering the submissions made on behalf of the Appellant and for the reasons mentioned in the IA, which are sufficient, the delay in re-filing the Memo of Appeal is hereby condoned.

6. As regards Defect No.11, it is seen that an endorsement is made on the defect sheet by the Counsel for the Appellant that he will get it exempted from the Registrar. It is also seen that at page no.45 the word 'appeal' is corrected as 'application' by using white fluid. On the last date of hearing, i.e., on 05.04.2019, Counsel for the Appellant sought adjournment on the ground that he wants to file a supplementary affidavit to remove the defect no.11. However, no supplementary affidavit has been filed by the Counsel for the Appellant.

7. In view of the above, the case may be placed before the Hon'ble Bench for appropriate orders

8. List the case before the Hon'ble Bench under the heading 'for admission with defect' on 09.04.2019.

9. With the aforesaid order, this IA stands disposed of.

(Peeush Pandey) Registrar