

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL

NEW DELHI

Interlocutory Application No.2179/2020

Un-numbered Company Appeal (AT) (Insolvency) No. ___/2020

(F.No.27.02.2020/NCLAT/UR/406

In the matter of:

Sri Kaustuv Ray

.... Appellant

Versus

State Bank of India & Anr.

.... Respondents

Appearance: Mr. Arjun Asthana, Advocate for the Appellant.

16.09.2020

This hearing has been held through video conferencing.

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 27.02.2020 and the Office after scrutiny of the Memo of Appeal on 28.02.2020, intimated the defects to the Appellant on the same day and returned the Memo of Appeal to the Appellant 29.02.2020. The Appellant re-filed the Memo of Appeal on 15.09.2020. It is stated in the Interlocutory Application (IA) that certain documents pertaining to Appeal were not placed appropriately and certain Annexures were not legible. As the Applicant is based in Kolkata even for minor correction of documents, it need to be executed in Kolkata and thereafter couriered to Delhi. Delay also caused on account of ill health of counsel, lockdown due to outbreak of Corona Virus and after lockdown when the office of the Counsel reopened the entire office premises was submerged in water and all the briefs of the instant Appeal were badly damaged. Hence, there is delay of 18 days in refiling the Memo of Appeal, so, the same may be condoned.

3. Heard the learned Counsel appearing for the Appellant, perused the averments made in the IA as well as Office report. The Appellant was required to re-file the Memo of Appeal within seven days from the date of intimation of the defects. However, the Appellant re-filed the Memo of Appeal with a delay of 193 days, hence, the case may be placed before the Hon'ble Bench for appropriate orders. IA is disposed of accordingly.

4. List the case before the Hon'ble Bench under the heading 'for admission with defect'.

(Peeush Pandey)
Registrar