

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

I.A. No.14 /2019
Un-numbered Competition Appeal (AT) No. /2019
(F.No.18/12/2018/NCLAT/UR/101

In the matter of:

Sri. Sarvaraya Sugars Ltd. & Anr. Appellants

Versus

Competition Commission of India & Ors. Respondents

Appearance: Mr. Sudipto Sircar, Advocate for the Appellants.

08.01.2019

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

2. The facts of the case are that the Memo of Appeal was filed on 18.12.2018 and the Office after scrutiny of the Memo of Appeal on 20.12.2018 intimated the defects to the Appellants on the same day and the Memo of Appeal was returned to the Appellants on 21.12.2018. The Appellants re-filed the Memo of Appeal on 04.01.2019. It is stated in the Interlocutory Application (IA) that after re-filing the Appeal on 27.12.2018, Counsel for the Appellant was under impression that there were no other defects, however, Appellants suddenly received a call from the Registry on 03.01.2019 informing them that signature of the Counsel was missing on one page. Counsel for the Appellants immediately cured the defect, but as the limitation for re-filing the Appeal had already expired, the Counsel for the Appellants was constrained to file the Application for condonation of delay in re-filing. Hence, there is delay of eight days in re-filing the Memo of Appeal, so, the same may be condoned.

3. Heard learned Counsel appearing for the Appellant, perused the averments made in the IA as well as report of the Office.
4. 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.
5. List the case before the Hon'ble Bench under the heading for admission on 09.01.2019.
6. With the aforesaid order, this IA stands disposed of.

(Peeush Pandey)
Registrar