THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL NEW DELHI

Interlocutory Application No.98/2020 Un-numbered Company Appeal (AT) (Insolvency) No. /2020 (F.No.09.12.2019/NCLAT/UR/1783

In the matter of:

Devamata Commercials Private Limited Appellant

Versus

Sunrise TSR Factory & Ors.

.... Respondents

Appearance: Mr. Ashok Kumar Jain, Mr. Niladree Chatterjee and

Mr. Amit Kasera, Advocates for the Appellant.

08.01.2020

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 09.12.2019 and the Office after scrutiny of the Memo of Appeal on 10.12.2019, intimated the defects and returned the Memo of Appeal to the Appellant on the same day. The Appellant re-filed the Memo of Appeal on 06.01.2020. It is stated in the Interlocutory Application (IA) that the appellant's representative who was incharge of re-filing got absented because of his personal difficulty and did not inform about the defect or urgency to re-file the Appeal to his management. The advocate who has to join the work on 03.01.2020 joined only on 06.01.2020. Hence, there is delay of 20 days in re-filing the Memo of Appeal, so, the same may be condoned.
- 3. Apart from that, the Registry has pointed out that defect No.4 has also not been cured by the Appellant. Defect No.4 is "Authorization letter not filed (file its original)".
- 4. Heard learned Counsel appearing for the Appellant and 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 regard defect No.4 is concerned, it is seen that an endorsement has been made on the defect sheet on behalf of the Appellant stating that "The original copy of Board Resolution has already been filed in earlier Appeal filed before this Hon'ble Tribunal No.1476/19".
- 7. In view of the above, list the case before the Hon'ble Bench under the heading 'for admission' on 09.01.2020.
- 8. With the aforesaid order, this IA stands disposed of.

(Peeush Pandey) Registrar