

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Interlocutory Application No.1879/2020
Un-numbered Company Appeal (AT) No. ___/2020
(F.No.28.02.2020/NCLAT/UR/414

In the matter of:

Milind Madhav Dhume & Ors. Appellants

Versus

AKP Ferrocast Pvt. Ltd. & Ors. Respondents

Appearance: Mr. Goutham Shivshankar and Mr. Shantanu Singh,
Advocates for the Appellants.

17.08.2020

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 Appellants filed the Memo of Appeal on 28.02.2020 and the Office after scrutiny of the Memo of Appeal on 29.02.2020, intimated the defects to the Appellants on the same day and returned the Memo of Appeal to the Appellants on 02.03.2020. The Appellants re-filed the Memo of Appeal on 13.08.2020. It is stated in the Interlocutory Application (IA) that owing to the outbreak of COVID-19 pandemic and spurt in cases across the country, the Appellants could not cure the defects during the said period. Hence, there is delay of 159 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.6 & 7 have also not been cured. Defect No.6 is "*Stay mention in the master index but not filed*" and Defect No.7 is "*Vakalatnama must be filed with court fee of Rs.3*".

4. Heard the learned Counsel appearing for the Appellants, perused the averments made in the IA as well as Office report. The Appellants were required to re-file the Memo of Appeal within seven days from the date of intimation of the defects. However, the Appellants re-filed the Memo of

Appeal with a delay of 159 days, hence, the case may be placed before the Hon'ble Bench for appropriate orders. IA is disposed of accordingly.

5. As regard Defect No. 6 is concerned, it is seen that a letter has been submitted by the Appellants stating regarding Defect No. 6 is that *"the master index had incorrectly mentioned an "IA for Stay" and actually the IA being filed is for "Ex Parte Ad Interim Restoration of the Order dt. 16.08.2019 passed by the Hon'ble NCLT, Bengaluru Bench in CP 96/BB/19". The correction has been made in the Master Index and Index for volume 3 respectively. In relation to the above IA, if the Registry is of the opinion that there is any defect, I request that the IA may kindly be listed with defects before the Hon'ble Court for hearing to allow us to plead and explain the nature of relief prayed for before the Hon'ble Court"*. With regard to Defect No.7, an endorsement has been made on the defect sheet on behalf of the Appellants stating that *"In regard to Defect No.7. Court Fee stamp are not available"*. Learned Counsel for the Appellants also reiterates the same.

6. In view of the above, list the case before the Hon'ble Bench under the heading 'for admission with defect'.

(Peeush Pandey)
Registrar