

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

I.A. No.03/2019

Un-numbered Company Appeal (AT) (Insolvency) No. ___/2018
(F.No.14/12/2018/NCLAT/UR/1147

In the matter of:

Vesuvius India Ltd. & Ors. Appellants

Versus

Fenace Auto Ltd. & Anr. Respondents

Appearance: None for the Appellants.

03.01.2019

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

2. The facts mentioned in the Interlocutory Application (IA) in short is that the Appellants filed the Memo of Appeal on 14.12.2018 and the Office after scrutiny of the Memo of Appeal on 15.12.2018 intimated and returned the same to the Appellants on 17.12.2018. The Appellants re-filed the Memo of Appeal on 27.12.2018. It is submitted in the IA that on 22.12.2018 when the Appellant visited the Office of the Tribunal it was pointed out that the Appeal was not in the prescribed format as per NCLAT Rules and the same was returned to the Appellant. Again on 26.12.2018 when the Counsel for the Appellants visited the Tribunal it was found by the Office that signatures of the one of the Appellant from 'verification' clause of the application was missing and hence, the appeal was not accepted by the Office on that day. It is submitted that delay of three days in re-filing the Memo of Appeal was unforeseeable and unintentional and the same may be condoned.

3. None appeared on behalf of the Appellants. Perused the averments made in the IA as well as Office report.
4. Considering the submissions made 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 04.01.2019.
6. With the aforesaid order, this IA stands disposed of.

(Peeush Pandey)
Registrar