

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

I.A. No.1755/2019
Un-numbered Company Appeal (AT) No. ___/2019
(F.No.14.05.2019/NCLAT/UR/640

In the matter of:

M. Kishan Rao & Ors. Appellants

Versus

Spectrum Power Generation Ltd. & Ors. Respondents

Appearance: Mr. Rajeev Kumar, Advocate for the Appellants.

27.05.2019

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 14.05.2019 and the Office after scrutiny of the Memo of Appeal on 15.05.2019, intimated the defects and returned the Memo of Appeal to the Appellants on the same day. The Appellants re-filed the Memo of Appeal on 23.05.2019. It is stated in the Interlocutory Application (IA) that certain defects in the Appeal for which fresh Affidavit had to be brought from Hyderabad caused the delay in re-filing of the Appeal by one day. So, the same may be condoned.

3. Apart from that, the Registry has pointed out that defect No.07 has also not been cured by the Appellants. Defect No.07 is that the Appellants have mentioned about two orders dated 24.4.2019 (which is NCLAT's Order) and 24.09.2018 (it is not know as to whose order is this: and also the Appellants have not filed a copy of the same) whereas in the Appeal the Appellants have mentioned the date of the order that they are challenging as 19.03.2019, so, Appellants need to clarify as to which order they are challenging.

4. Heard the learned Counsel appearing for the Appellants, perused the averments made in the IA as well as Office report.

5. Considering the submissions made on behalf of the Appellants 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 regards Defect No.7, it is seen that an endorsement has been made on the defect sheet on behalf of the Appellants that *“We have cured all the defects. In regard to defect No.7, we are challenging the order dt. 19.03.2019 passed by Hon’ble NCLT, Hyderabad. The orders dt. 24.04.19 is the order passed Hon’ble NCLAT in connected Appeal and notification dt. 24.09.18 is with regard to power conferred on Ld. Member, NCLT, Hyderabad.”*

7. In view of the above, list the case before the Hon’ble Bench under the heading ‘for admission’ on 29.05.2019.

8. With the aforesaid order, this IA stands disposed of.

(Peeush Pandey)
Registrar