

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

I.A. No.05/2019

Un-numbered Company Appeal (AT) (Insolvency) No. ___/2018
(F.No.29/11/2018/NCLAT/UR/1095

In the matter of:

Vinayaka Exports, Rep. by its
Proprietor Ms. Bhavika Jain & Anr. Appellants

Versus

M/s. Colorhome Developers Pvt. Ltd. Respondent

Appearance: None for the Appellant.

03.01.2019

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 29.11.2018 and the Office after scrutiny of the Memo of Appeal on 30.11.2018 intimated the defects on the same day and the Memo of Appeal was returned to the Appellant on 04.12.2018. The Appellant re-filed the Memo of Appeal on 20.12.2018. It is submitted in the Interlocutory Application (IA) that the delay was caused due to inevitable logistical difficulties that arose in sending the signed affidavits to Appellant's Advocate all the way to New Delhi from Chennai and inspite of persistent efforts of the Appellants to comply with the time limits, the delay has occurred due to the distance and time taken to send the documents for the process of curing defects, which was neither

wanton nor intentional. Hence, the delay of 14 days in re-filing the Memo of Appeal 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