THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Interlocutory Application No.2396/2019
Un-numbered Company Appeal (AT) (Insolvency) No.___/2019
(F.No.30.05.2019/NCLAT/UR/737

In the matter of:

Directorate of Revenue Intelligence .... Appellant

Versus

M/s. Shree Ganesh Jewellery House & Ors. .... Respondents

Appearance: Mr. Ashutosh Sengar, Advocate for the Appellant.

05.08.2019

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 30.05.2019 and the Office after scrutiny of the Memo of Appeal on 31.05.2019, intimated the defects to the Appellant on 03.06.2019 and returned the Memo of Appeal to the Appellant on 27.06.2019. The Appellant re-filed the Memo of Appeal on 02.08.2019. It is stated in the Interlocutory Application (IA) that it took some time to take suitable steps to cure court defects since court vacations were there and therefore, the defects could not be cured in due time. The delay of 53 days in re-filing the Memo of Appeal is bona fide and beyond the reasonable control off the Appellant, so, the same may be condoned.

3. Heard the learned Counsel appearing for the Appellant, perused the averments made in the IA as well as Office report. The Appellant was required to re-file the Memo of Appeal within seven days from the date of intimation of the defects. However, the Appellant re-filed the Memo of Appeal with a delay of 53 days, hence, the case may be placed before the Hon'ble Bench for appropriate orders. IA is disposed of accordingly.

4. List the matter before the Hon'ble Bench under the heading 'admission with defect' on 06.08.2019.

(Peeush Pandey)
Registrar