THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL NEW DELHI

I.A. No.143/2019 Un-numbered Company Appeal (AT) (Insolvency) No.__/2019 (F.No.08/01/2019/NCLAT/UR/33

In the matter of:

Kumar Dutt, Proprietor K.D. Trading Appellant

Versus

Simplex Infrastructure Ltd. Services Private Limited & Anr.

.... Respondent

Appearance: None for the Appellant.

21.01.2019

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 08.01.2019 and the Office after scrutiny of the Memo of Appeal on the same day, intimated the defects and returned the Memo of Appeal to the Appellant on 09.01.2019. The Appellant refiled the Memo of Appeal on 18.01.2019. It is stated in the Interlocutory Application (IA) that the Applicant is a proprietorship firm based in the city of Dankuni, West Bengal and its Advocate is based in Kolkata and as such communication between the Applicant and their Advocate took considerable time. Further, some documents had to be sent again to Kolkata for signatures and the same had to be notarized for curing the defects and for the same there occurred a delay of three days and there was no ill-intent or malice on behalf of the applicant/appellant for the further delay that was caused, so, the same may be condoned.
- 3. None appeared on behalf of the Appellant. 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 22.01.2019.
- 6. With the aforesaid order, this IA stands disposed of.

(Peeush Pandey) Registrar