

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Un-numbered Company Appeal (AT) (Insolvency) No. ___/2018
(F.No.17/05/2018/ /UR/390)

In the matter of:

Oriental Bank of Commerce Appellant

Versus

Moser Baer India Ltd. Respondent

Appearance: Shri Roshan Kumar and Ms. Seema, Advocates for the
Appellant.

23.05.2018

The aforesaid Appeal under Section 61 of the I&B Code, 2016 (hereinafter referred to as the Code) is against the order dated 25.04.2018 in CA No.207(PB)/2018 & CA No.247(PB)/2018 of the Hon'ble NCLT, Principal Bench, New Delhi.

2. The Appeal is seen presented before the Registry under Rule 22 on 17.05.2018. The Appeal when scrutinised on 18.05.2018 was found to be defective and hence, on the same day the Applicant was informed of the defects with a direction to cure them within a period of seven days. The Appeal was re-submitted on 21.05.2018 contending that all the defects have been cured. However, it is reported that defect no.4 referred to in the defects sheet has not been cured and hence the matter has been placed before me for appropriate orders.

3. Defect no.4 raised is to the effect that the General Power of Attorney (GPA) produced by the Appellant is a xerox copy dated 20.09.2003 and so the Appellant was directed to produce the original and the latest GPA. An endorsement is seen made in the defects sheet, which reads thus: - "*GPA is of 2003, cannot be changed by Appellant as it has been issued one time only.*" It is not clear as to who made this endorsement as there is neither the name nor the signature of the person who has made the same.

4. Heard the learned Counsel for the Appellant.
5. It is submitted by the learned Counsel that the GPA of the year 2003 was executed in favour of the Appellant when he joined service; that the same would continue till he retires and that no changes are generally brought to the same till his retirement when he is required to surrender the same to the Bank.
6. Further, the GPA produced is only a xerox copy. The Appellant ought to have produced a true copy of the GPA in case it was not possible for him to produce the original. However, the learned Counsel for the Appellant submitted that the copy produced contains the seal of the Appellant Bank namely – The Oriental Bank of Commerce and that it contains the initial of the authorised official on all the pages of the GPA. Hence, his request is that though the entire signature and the name of the authorised officer with the certificate that it is a true copy is absent in the copy produced, he may be exempted this time and the matter may be placed before the Hon’ble Appellate Tribunal.
7. As requested, list the matter before the Hon’ble Appellate Tribunal on 25.05.2018.

(C.S. Sudha)
Registrar