

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Interlocutory Application No.1988/2019
Un-numbered Company Appeal (AT) (Insolvency) No. ___/2019
(F.No.29.05.2019/NCLAT/UR/728

In the matter of:

Lakshmi Energy & Foods Ltd. Appellant

Versus

ICICI Bank Ltd. Respondent

Appearance: Mr. Gautam Singh, Advocate for the Appellant.

01.07.2019

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 29.05.2019 and the Office after scrutiny of the Memo of Appeal on 03.06.2019, intimated the defects to the Appellant on the same day and returned the Memo of Appeal on 07.06.2019. The Appellant re-filed the Memo of Appeal on 11.06.2019. It is stated in the Interlocutory Application (IA) that defects could not be cured within seven days due to bereavement in the family of Mr. Gautam Singh, counsel in this matter. Hence, there is delay of one day in re-filing the Memo of Appeal, so, the same may be condoned.

3. Apart from that, the Registry has pointed out that defect Nos.04 and 07 have also not been cured by the Appellant. Defect No.04 is that page Nos.94 to 113 are in other language and shall be accompanied by a translated version in English. Defect No.07 is Page no.986 is missing.

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

5. Considering 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 Nos.04 and 07, it is seen that an endorsement has been made on the defect sheet on behalf of the Appellant that “*All the defects are cured. For point No.4 – the typed copy in English is annexed, the translated copies will be provided as per directions of the Hon’ble Tribunal. For point No.7 – No page is missing, only page initiate No.986 was missed erroneously.*”

7. In view of the above, list the case before the Hon’ble Bench under the heading ‘for admission’ on 03.07.2019.

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

(Peeush Pandey)
Registrar