

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Interlocutory Application No.2346/2019
Un-numbered Company Appeal (AT) No. ___/2019
(F.No.15.02.2019/NCLAT/UR/198

In the matter of:

Rajneesh Ghei Appellant
Versus
Registrar of Companies and Ors. Respondents
Appearance: Mr. Gagan Kataria, Advocate for the Appellant.

31.07.2019

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 15.02.2019 and the Office after scrutiny of the Memo of Appeal, intimated the defects to the Appellant on the same day and returned the Memo of Appeal to the Appellant on the 16.02.2019. The Appellant re-filed the Memo of Appeal on 29.07.2019. It is stated in the Interlocutory Application (IA) that delay was caused as the Rectification Application was required to be filed to rectify inadvertent error committed in mentioning wrong C.P. No. in the impugned order. The dealing Junior Associate, who was assigned the duty for filing the Appeal, left the job. The Office clerk also misplaced some of the relevant documents. The Appellant is originally based in U.S.A. and is a 70 years old person and coordination between the Appellant and the Counsel for obtaining filing documents took genuine time. The delay of 157 days in re-filing the Memo of Appeal was neither intentional nor wilful but was bona-fide, 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 157 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 01.08.2019.

(Peeush Pandey)
Registrar