

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

I.A. No.672/2019

Un-numbered Company Appeal (AT) (Insolvency) No. ___/2019
(F.No.11.02.2019/NCLAT/UR/176

In the matter of:

M/s SRS Shipping Pvt. Ltd. Appellant

Versus

M/s Everup Battery India Pvt. Ltd. Respondent

Appearance: Mr. Narendra Pd. Yadav, Advocate for the
Appellant.

01.03.2019

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 11.02.2019 and the Office after scrutiny of the Memo of Appeal on the same day, intimated the defects to the Appellant on 12.02.2019 and returned the Memo of Appeal to the Appellant on 13.02.2019. The Appellant re-filed the Memo of Appeal on 27.02.2019. It is stated in the Interlocutory Application (IA) that appellant was unable to cure the defect within seven days as there was some clarification regarding the annexure of the appeal to be sought from the appellant and the appellant took time to arrange the entire appeal copy from the previous counsel. On 16.02.2019, when the appellant tried to re file, the entry was not allowed to the counsel as the pass counter was closed. On next day the verification page was not annexed with the condonation of delay application. Hence, there is delay of 08 days in re-filing the Memo of Appeal, 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.
4. Considering the submissions made on behalf of the Appellant and for the reasons mentioned 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 05.03.2019.
6. With the aforesaid order, this IA stands disposed of.

(Peeush Pandey)
Registrar