

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Interlocutory Application No.154/2019
Un-numbered Competition Appeal (AT) No. ___/2019
(F.No.04.11.2019/NCLAT/UR/80

In the matter of:

Daya Industires
(Through its Partner) Appellant

Versus

Competition Commission of India Respondent

Appearance: Mr. Kshitiz Garg, Advocate for the Appellant.

22.11.2019

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 04.11.2019 and the Office after scrutiny of the Memo of Appeal on 05.11.2019, intimated the defects to the Appellant on the same day and returned the Memo of Appeal to the Appellant on 07.11.2019. The Appellant re-filed the Memo of Appeal on 20.11.2019. It is stated in the Interlocutory Application (IA) that as the documents were voluminous in nature and therefore it took some time for the counsel to cure the defects and remove the objections. Hence, there is delay of eight days' in re-filing the Memo of Appeal, so, the same may be condoned.

3. Apart from that, the Registry has pointed out that defect No.6 has also not been cured by the Appellant. Defect No.6 is "*Appeal is barred by Limitation. IA for Condonation of Delay filed without Appellant's sign on the declaration*".

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

5. 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.

6. As regard defect No.6 is concerned, it is seen that an endorsement has been made on the defect sheet on behalf of the Appellant stating that "*The application for condonation of delay has been filed by the*

Advocate on his behalf as the party is outstationed i.e. without his signature on the declaration”.

7. In view of the above, list the case before the Hon'ble Bench under the heading 'for admission (with defect)' on 25.11.2019.

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

(Peeush Pandey)
Registrar