

THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Interlocutory Application No.2071/2019
Un-numbered Company Appeal (AT) (Insolvency) No. ___/2019
(F.No.01.03.2019/NCLAT/UR/268

In the matter of:

Sita Ram Appellant

Versus

Mr. Samir Kumar Bhattacharya
Resolution Professional of Stesalit Limited & Ors. Respondents

Appearance: Mr. Videh Vaish, Proxy Counsel for Mr. Arora Vishwas
Kumar, Advocate for the Appellant.

04.07.2019

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 01.03.2019 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 on 02.03.2019. The Appellant re-filed the Memo of Appeal on 02.07.2019. It is stated in the Interlocutory Application (IA) that the counsel for the Appellant is based in Chandigarh and after the return of the files from the registry, the same was misplaced in his office and due to this reason, the defects in the Appeal was not cured within the given 7 days. Hence, there is unintentional delay of 116 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. The Appellant was required to re-file 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 116 days, hence, the case may be

placed before the Hon'ble Bench for appropriate orders. IA is disposed of accordingly.

5. List the matter before the Hon'ble Bench under the heading 'admission with defect' on 05.07.2019.

(Peeush Pandey)
Registrar