

**THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL**  
**NEW DELHI**

**Interlocutory Application No.3380/2019**  
**Un-numbered Company Appeal (AT) No. \_\_\_/2019**  
**(F.No.25.07.2019/NCLAT/UR/946**

**In the matter of:**

Bhandari Construction & Developers Pvt. Ltd. & Anr. .... Appellants

Versus

Ajit Singh Bhandari & Ors. .... Respondents

Appearance: Ms. Surabhi Maheshwari, Advocate for the Appellants.

**05.11.2019**

This is an application to extend the time granted for curing the defects.

2. The facts of the case are that the Appellants filed the Memo of Appeal on 25.07.2019 and the Office after scrutiny of the Memo of Appeal on 26.07.2019, intimated the defects to the Appellants on the same day and returned the Memo of Appeal to the Appellants on 31.07.2019. The Appellants re-filed the Memo of Appeal on 24.10.2019. It is stated in the Interlocutory Application (IA) that just after one hour of the signing of the Appeal, the grandfather of the Appellant No.2 expired. The Appellant No.2 could get back to work only after religious rituals and the period of mourning. Thereafter, the Appellant No.2 was in Bangalore for his business related work. Hence, there is delay of 84 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.7 has also not been cured. Defect No.7 is "*At page number 242, 303 are missing*".

4. Heard the learned Counsel appearing for the Appellants, perused the averments made in the IA as well as Office report. The Appellants were required to re-file the Memo of Appeal within seven days from the date of intimation of the defects. However, the Appellants re-filed the Memo of Appeal with a delay of 83 days, hence, the case may be placed before the Hon'ble Bench for appropriate orders. IA is disposed of accordingly.

5. As regard Defect No. 7 is concerned, it is seen that an endorsement has been made on the defect sheet on behalf of the Appellants stating that *“All defects has been cured except defect No.7 page No.242 and 303 missed inadvertently”*. Learned Counsel for the Appellants also reiterates the same.

6. As prayed, list the matter before the Hon'ble Bench under the heading 'admission with defect' on 11.11.2019.

(Peeush Pandey)  
Registrar